BRITISH COLUMBIA

BC's New Forest and Range Practices Framework

FRPA Range Training Guide

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Preface

What is the "FRPA Range Training Guide"?

The FRPA Range Training Guide outlines the major changes to range planning and practices contained in the *Forest and Range Practices Act* (FRPA) and the corresponding Range Planning and Practices Regulation (RPPR). This guide also covers changes to range practices as a result of the amendments made to the Forest Practices Code and regulations on December 17, 2002.

This guide is an overview guide and is designed to be read together with:

- Range Use Plans & Range Stewardship Plans Guide
- Range Management and the *Forest and Range Practices Act* Guide

The FRPA Range Training Guide and other materials provided in the FRPA Range Training Module do not cover every clause or requirement contained in the *Forest and Range Practices Act*, or every change to the *Forest Practices Code of BC Act* and regulations.

For the full legal wording of the changes, refer to the *Forest and Range Practices Act*, the *Forests Statutes Amendment Act (No. 2) 2002* and regulatory amendments themselves, available from Crown Publications (e-mail: crown@pinc.com).

This Guide should not be construed as legal advice or opinion.

Notice to Reader

Warranty Disclaimer

While every effort has been made to ensure the accuracy of the information herein, no warranties of any kind are made as to the precision or longevity of the contents. Readers are advised to refer to the wording of the legislation and regulations themselves, and obtain legal advice from their own sources.

The transition from the *Forest Practices Code of BC Act* to the *Forest and Range Practices Act* is a work in progress. Amendments can be anticipated to occur over the upcoming months and years. To keep abreast of changes to legislation and regulations, we recommend regular checks of the websites at:

- http://www.legis.gov.bc.ca/legislation/index.htm; or
- http://www.for.gov.bc.ca/tasb/legsregs/amendlog.htm

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Introduction

In its New Era document, the BC government promised to streamline the Forest Practices Code (FPC) to establish a "results-based" forest and range planning and practices framework, with tough penalties for non-compliance.

Under the new framework, government and industry will focus on results and resource protection rather than process and paperwork. Government will set objectives for protection, management and conservation of Crown resources. As range agreement holders, you will plan your actions and strategies, and conduct activities to ensure consistency with the Objectives Set By Government. The Government will monitor the results of range activities through a compliance and enforcement regime.

Introducing FRPA

FRPA consists of the *Forest and Range Practices Act* and regulations including a Range Planning and Practices Regulation (RPPR).

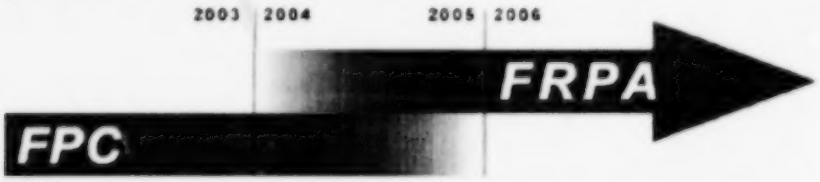
Under *FRPA* **all** *Range Act* agreement holders must prepare their own range plans. This places the responsibility for developing range plans on the party who will be ultimately accountable for carrying them out. Range agreement holders are also responsible for keeping their plans current, monitoring the impact of their operations on Crown range, and providing reports to the Ministry of Forests to show that specified results are being met on the ground.

You must still obtain a *Range Act* agreement before you can use Crown land to graze livestock or cut hay. Under *FRPA*, a range plan must still be prepared for the agreement area, but there are now two types of plans: Range Use Plans and Range Stewardship Plans. There are two levels of Range Stewardship Plans.

Transition from FPC to FRPA

"Legislative change is occurring in two phases."

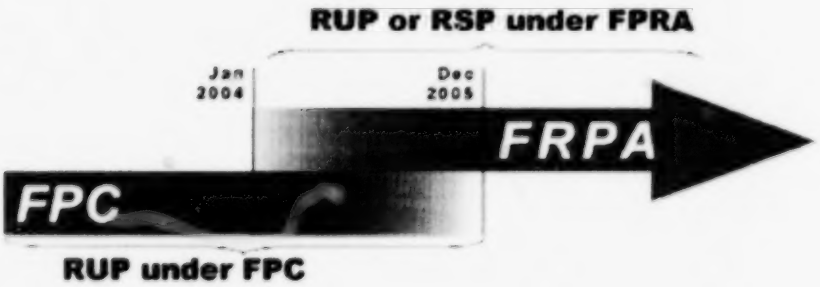
The Forest Practices Code will stay in effect while the *Forest and Range Practices Act* (FRPA) and accompanying regulations are introduced. There will be a transition phase lasting until the end of December 2005 to allow you to adapt your plans and operations to meet the new requirements. All Range Use Plans approved under the Code are grandparented until December 31, 2005.



During the transition phase, you will operate under the requirements of the Forest Practices Code as long as your current Range Use Plan (RUP) is in effect.

Any range use plans that expire after December 31st, 2005 will now expire on December 31st, 2005. This will give you an opportunity to study FRPA and the new requirements so you can be fully prepared to write a new plan and make any necessary changes to your operations.

By the start of the 2006 grazing season, you must have in place a range plan that meets the requirements of FRPA and the Range Planning & Practices Regulation (RPPR).



Decision-Making Responsibilities

In the FRPA legislation and regulations, the key decision-maker for all planning, practices and compliance & enforcement issues is "**the Minister**." The definition of "the Minister" includes the Minister's delegate, including the District Manager or other officials in the Ministry of Forests. In this Range Guide, we have used the phrase "the Minister" to reflect the wording used in the legislation and regulations, but you should be aware that the Minister may delegate certain issues or matters as he/she feels is appropriate. Where the title "District Manager" is used, it refers to that role specifically.

Professional Reliance

Under the previous FPC, professional reliance was important but less prominent than it will become under FRPA. FRPA, by moving towards a results based approach, relies much more on the independent judgment and professionalism of members of the professional regulating bodies.

Individual professionals must:

- Abide by a code of ethics/conduct, standards of conduct and direction from professional regulatory body; and,
- Exercise due diligence by being prudent and careful, and must sign and seal the work accordingly.

Clients, employees and others also have a role to play in ensuring professional reliance is adhered to. For example, employers must obey the relevant law impacting their business, including knowing when to rely on the judgment of a professional. Employers and clients are expected to understand and respect the need for a professional to make independent judgments based on their training, experience, and professional obligations. Professional behaviors should be the norm for all employed in forest and range management.

Professional reliance relates specifically to range in the following circumstances:

- Qualifying to prepare a Range Stewardship Plan (i.e. if an agrologist is involved in the preparation of the Range Stewardship Plan the likelihood of a range agreement holder qualifying to prepare a Range Stewardship Plan increases.)
- Advisory committee representation – a licensed agrologist must sit on the advisory committee.
- Recourse & liability (i.e. the issue of due diligence will often include questions as to whether the person retained the appropriate professionals for advice and direction and whether that advice was followed).

Further Resources

The information contained in this document provides an overview of the changes being made to range management planning and practices under FRPA. The implementation of these changes will be supported through additional materials. Two additional guides available, which are included in this training package, are:

- Range Use Plans & Range Stewardship Plans Guide
  (available from: http://www.for.gov.bc.ca/hfp/range/range.htm)
- Range Management and the *Forest and Range Practices Act* Guide
  (available from: http://www.for.gov.bc.ca/hfp/range/range.htm)

Other helpful resources include:

- MOF Policy Manual
  (available from:
  http://www.for.gov.bc.ca/tasb/manuals/policy/poltoc.htm)
- MOF Legislation and Regulations
  (available from:
  http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm)
- MOF Training Catalogue
  (available from:
  http://www.for.gov.bc.ca/pscripts/hfd/mtc/cat.asp?cat=20)
- MOF Brochures Abstract Listing
  (available from: http://www.for.gov.bc.ca/hfd/pubs/Bro.htm)
- MOF Range Manual
  (available from:
  http://www.for.gov.bc.ca/hfp/range/manual/TablCont.htm)
- Forest Investment Account
  (available from: http://www.for.gov.bc.ca/hcp/fia/)

Range Planning under FRPA

Range planning under FRPA is results-driven: that is, the Government sets objectives, and you, as a range agreement holder, are held accountable for conducting activities that are consistent with those objectives.

Range Plans Required Under FRPA

Types of Range Plans

Range plans are mandatory for livestock grazing and hay cutting activities under FRPA and must be consistent with the Objectives Set By Government. The term of all range plans is five years, or shorter if required by the Minister. FRPA s.36

Under FRPA there are options as to which type of plan you may prepare. There are two main types of range plans: FRPA s.32

- Range Use Plan (RUP) (the default for all range agreement holders); and
- Range Stewardship Plan (RSP)

Range stewardship plans are less prescriptive than range use plans in several ways:

- RSPs do not require the inclusion of a grazing schedule. However an annual grazing schedule is required prior to turnout. This provides flexibility on the location and time of cattle use; and
- RSPs allow you to define reporting and monitoring processes specifically for your operations.

The majority of range agreement holders will be required to prepare a Range Use Plan.

Range Use Plan – Content Requirements

The following checklist shows the specific elem ents a RUP must include:

RUP Content Requirements

✔ A map of a scale and format satisfactory to the Minister that shows: • tenure agreement area; • location and type of range developments; and • pastures or hay cutting areas.	FRPA s.33(1)a s.34(1)a
✔ Actions to deal with prescribed matters and **issues** identified by the Minister: • descriptions of plant communities required by the Minister, if any, and the actions that will be taken to establish or maintain them; • range readiness criteria identified by the Minister, if any; • stubble heights to address an immediate resource concern, if identified by the Minister; • the Minister can ask for additional issues to be addressed.	FRPA s.33(1)c s.34(1)c RPPR s.13
✔ Actions to prevent the introduction or spread of invasive plants to the extent that the introduction or spread is related to the holder's practices.	RPRR s.15
✔ Must be consistent with Objectives Set By Government.	FRPA s.33(1)e s.34(1)e
✔ A schedule listing required information as follows: **For Livestock Grazing** • Livestock class • Number of livestock • Period of use **Hay Cutting** • Average stubble height • Period of hay cutting	FRPA s.33(1)b FRPA s.34(1)b
✔ The signature of the person required to prepare the plan, or of a representative authorized to sign on behalf of a corporation required to prepare the plan.	FRPA s.33(2) s.34(2)

Range Stewardship Plans Under FRPA

Levels of RSPs

While the majority of range agreement holders will prepare range use plans, experienced range mangers may be granted more flexibility in developing their range stewardship plans. This is accomplished by the creation of two distinct levels of range stewardship plans, RSP Level 1 and RSP Level 2. The RSP levels have different content requirements.

FRPA s.32(2), 35

In order to qualify for the additional flexibility granted with a Level 2 Range Stewardship Plan, you must have demonstrated at least 5 years of competence.

Qualifying to Prepare a Range Stewardship Plan

You may apply to the Minister for authorization to prepare a Range Stewardship Plan. This qualification will be based upon how well you have managed Crown range.

In determining whether you have demonstrated competence, the Minister will consider:

- your past performance record;
- the condition of the Crown range to which the Range Stewardship Plan would apply, and whether you have maintained or improved forage quality and quantity on Crown range in the past; and
- other prescribed matters such as:

Agreement Holders have to apply to the Minister to move from RUP to RSP

  - written submissions, such as a rationale or justification of your qualifications;
  - details of continuing education courses that you have completed that are relevant to range management;

FRPA s.32(2) & (3)

  - letters of recommendation;
  - whether an agrologist will be preparing the RSP;
  - demonstrated success in complying with RUPs or RSPs;

RPPR s.4

  - capital investment and developments to manage rangelands; and
  - compliance with Act, regulations, and standards.

See *Appendix A: Plan Qualification Flow Chart* for further information.

Maintaining RSP Status

Once you have had a Range Stewardship Plan approved by the Minister, you are qualified to prepare subsequent Range Stewardship Plans at the same level for the same area, unless you fail to meet the following standards:

- continue a record of satisfactory compliance;
- maintain or improve range condition and/or trend;
- carry out agreed-to monitoring and reporting; and
- continue demonstrated success in reaching goals and objectives.

If these standards are not achieved, you must go back to preparing a RUP. If you later want to prepare a RSP, you must go through the qualification process again.

The Minister may also notify you that you may not continue preparing a Range Stewardship Plan for an area, if, for example there are other issues affecting that area that require tighter land use control.

Range Stewardship Plan – Content Requirements

The following checklist shows the specific elements a RSP must include:

RSP Content Requirements

✔ A map of a scale and format satisfactory to the Minister that shows: • tenure agreement area; • location and type of range developments; and • pastures or hay cutting areas.	FRPA s.35(1)a
✔ Actions to deal with prescribed matters and **issues** identified by the Minister: • descriptions of plant communities required by the Minister, if any, and the actions that will be taken to establish or maintain them; • range readiness criteria identified by the Minister, if any; • stubble heights to address an immediate resource concern, if identified by the Minister; • the Minister can ask for additional issues to be addressed.	FRPA s.35(1)b RPPR s.14
✔ Actions to prevent the introduction or spread of invasive plants to the extent that the introduction or spread is related to the holder's practices.	RPPR s.15
✔ Must be consistent with Objectives Set By Government.	FRPA s.35(1)d
✔ A documented process for monitoring activities and evaluating progress toward ensuring consistency with Objectives Set By Government and the results and strategies contained in the plan.	RPPR s.14(3)
✔ The signature of the person required to prepare the plan, or of a representative authorized to sign on behalf of a corporation required to prepare the plan.	FRPA s.35(4)

Grazing Schedule for RSPs

A grazing schedule is not mandatory in a RSP and is not part of the approval process. However, the grazing schedule must still be prepared each year and submitted to the District Manager prior to livestock turnout.

FRPA s.43 & 44
RPPR s.16

Proposing Alternatives

If you qualify to prepare a RSP (level 2), you may propose alternatives to some of the specified actions and practices set by the Minister for RUPs, with appropriate rationale supplied. Alternatives can exist for: RPPR s.14

- actions to establish or maintain the plant community;
- range readiness criteria; and
- stubble height criteria.

Any range agreement holder may propose alternatives for:

- Ungulate Winter Range (UWR) objective if the Minister of Water, Land and Air Protection is satisfied that the proposed alternative is consistent with the intent of the objective; and/or RPPR s.12
- Wildlife Habitat Area (WHA) objective if the Minister of Water, Land and Air Protection is satisfied that the proposed alternative is consistent with the intent of the objective.

The proposed actions and practices must be consistent with the Objectives Set By Government.

The following table highlights the key differences between an RSP Level 1 and RSP Level 2:

Characteristics	RSP Level 1	RSP Level 2
Years of competence in management of Crown range	Requires at least 2 years	Requires at least 5 years
Content differences from other plans	**Same content as RUP except:** • Does not include grazing or cutting schedule. • Requires a process for monitoring consistency with objectives.	**Same content as RSP Level 1 plus:** • May include alternative actions and practices consistent with government objectives, as approved by the Minister.

The table below shows a summary of the content requirements for each Range Plan.

Also, see *Appendix B: Plan Content Chart* for further information.

	Range Use Plan (FRPA)	Range Stewardship Plan (Level 1)	Range Stewardship Plan (Level 2)
Plan Preparer	• Range agreement holder.	• Range agreement holder.	• Range agreement holder.
Content Requirements	• Map. • Grazing schedule. • Actions to address the Ministers issues. • Conform to prescribed requirements.	• Map. • Actions to address the Ministers issues. • Practices and actions consistent with objectives. • Conform to prescribed requirements. • Monitoring processes.	• Same content as RSP Level 1 plus: • may include alternative proposed practices and actions consistent with government objectives, as approved by the Minister.

Review and Comment

Review and comment is no longer mandatory.

FRPA s.41

Before you submit a range plan or an amendment to a range plan, the Minister may determine that the proposed plan or amendment must be made available for review and comment. If the plan must be made available for review and comment, the minister must provide notice. The decision for review and comment is based on the plan's potential impact on other activities and stakeholders. When a review and comment period is required, you must:

RPPR s.17 & 18

- publish a notice (e.g. as in a newspaper announcement) regarding the plan; and
- provide a copy of the plan and of the notice to the District Manager.

The review and comment period is at least 30 days from the date that the notice is published. As the agreement holder, you must make the plan available to anyone interested in or affected by operations under the plan or amendment.

FRPA s.41(2)

Range agreement holders must review all comments received during the review period, and make any appropriate revisions to the proposed plan based on those comments. All comments received must be submitted to the District Manager.

Amending RUPs/RSPs

Range agreement holders are expected to ensure that their plans continue to be in conformance with the Act, regulations and standards. In addition, if you know, or reasonably ought to know, that the strategies or actions being taken under your plan will not achieve the intended results, you must prepare and submit an amendment to the plan so that the strategies or actions in the amended plan will achieve the intended results.

FRPA s.38(1 & 4)

Mandatory Amendments

The holder of the range agreement must prepare and submit an amendment to the plan in the event that any of the following circumstances occur: FRPA s.38(5)

- the establishment or amendment of an Objective Set by Government;
- establishment or amendment of an Ungulate Winter Range, Objective; RPPR s.22
- establishment or amendment of a Wildlife Habitat Area;
- changes to your agreement under the *Range Act;*
- the Minister gives you notice that an amendment is required regarding:
  - change to stubble height requirements, desired plant community information or range readiness; or
  - any new issue identified by the Minister for which actions need to be carried out in the area under the plan.

These amendments must be made within a reasonable amount of time. The range plan is intended to guide range practices and operations in ensuring consistency with the Objectives Set By Government, and an out-of-date plan may lead to difficulties in meeting the results specified in the plan, or government objectives. It is in your best interests to ensure your plans (and consequently your operations) are kept in accordance with all the relevant requirements.

Multiple Range Plans in an Area

If more than one range plan is in effect for an area, activities being carried out under another plan may have an impact on your ability to exercise your rights for the area or ensure consistency with the objectives specified in your range plan. This is known as "cumulative impact." If you believe a cumulative impact is occurring, you can ask the Minister to review the situation. FRPA s.39

If the Minister determines that this is the case, they may require one or more of the other range plan holders for that area to amend their plans to remove or decrease the cumulative impact.

In addition, the Minister may establish targets for sharing responsibility to ensure consistency with the Objectives Set By Government among several range plan holders for an area, and require you to incorporate these targets into your range plan or make amendments as necessary to ensure these targets are met. FRPA s.42

Minor Amendments to Range Plans

The Minister's approval is not required to amend a range plan if the proposed amendment: FRPA s.40

- otherwise conforms to FRPA, the regulations and the standards; and RPPR s.20
- does not materially affect the likelihood of achieving the intended results specified in the plan .

If the amendment should have been submitted for approval and was not, the Minister may require operations to be suspended and/or require an approved amendment. RPPR s.21

Approving RUP/ RSP or Amendments

The Minister must approve a RUP or RSP (and/or an amendment to either plan) if they are satisfied that: FRPA s.37

- the plan is consistent with your *Range Act* agreement; and
- conforms to the Act, regulations and standards, including government objectives as established up to four months before the submission of the plan or amendment.

If a plan is not approved, the Minister must provide a written explanation.

See *Appendix C: Plan Approval Flow Chart* for further information.

Advisory Committees

In the process of determining whether to approve a RUP, RSP or plan amendment, the Minister or person who has submitted the plan or amendment may seek recommendations from an "advisory committee" consisting of at least three persons, including: FRPA s.37(3) RPPR s.19

- a person licensed as an agrologist under the *Agrologists Act;*
- a person who holds a range plan; and
- a representative of government.

More than three members may be used if required to adequately address the issues. The recommendations of the advisory committee must be submitted to the Minister.

Extending an RUP or RSP

The Minister may extend plans for up to five years after their expiry date, provided that the plans are in compliance with all requirements of the FRPA and RPPR. Extended plans may include changes as long as they are consistent with the regulations. FRPA s.36(2) & (3) RPPR s.24

Transfer of RUP or RSP

If a Range Act agreement is transferred, the range use plan or range stewardship plan is also transferred. The Minister must be given written notice of the transfer. A RSP transfer must meet one of the following conditions: RPPR s.25 & 26 &, 27

- the person taking over the plan has agreed to maintain the existing management personnel for at least two years; or
- the person taking over the plan meets the qualifications for holding a Range Stewardship Plan instead of a Range Use Plan.

If the transferee does not qualify for a RSP, they will be required to prepare a RUP.

The RSP grazing schedule is also transferred at the time of the agreement transfer

Exemptions

The Minister can exempt a licence holder from preparing a RUP or RSP before grazing livestock on Crown land under specified conditions. The Minister must specify the timeframe for the exemption and the licence holder must prepare and submit a RUP or RSP within the timeframe specified. RPPR s 3

Changes in Roles & Responsibilities

Range agreement holders are responsible for range plan preparation, review and comment, and amendments.

The introduction of FRPA brings with it a shift in roles and responsibilities in the management of Crown range. As a range agreement holder, you are now responsible for initiating and driving the processes and activities related to good range management. MOF personnel will take a supporting role instead of a leading role in planning and practices. The following table summarizes the activities involved in range planning, and the shift in responsibilities between range agreement holders and MOF personnel as the Forest Practices Code is replaced by FRPA.

Activity	Responsibility for Activity Under: FPC		FRPA	
	Forest Practices Code		FRPA	
	MOF	Range Agreement Holder	MOF	Range Agreement Holder
Determining objectives & deciding how to ensure consistency with them	Strategies and objectives outlined in regulations if the DM has relieved the agreement holder of this responsibility. (This was most frequently the case)	Strategies and measures outlined in the regulations unless relieved by the DM.	Objectives Set By Government, Not just MOF, but other ministries as they relate to range practices on Crown land.	Specify details of actions to be carried out. Determine actions for RUP & RSP Level 1. RSP Level 2 may propose alternate strategies
Gathering information about range area	Perform range assessments and gather all information.	Use information and form it into a Range Plan.		Gather information including Range Assessment as necessary and form it into RUP or RSP.

Activity	FPC / FRPA — Responsibility for Activity Under: Forest Practices Code — MOF	Forest Practices Code — Range Agreement Holder	FRPA — MOF	FRPA — Range Agreement Holder
Review and comment	MOF holds open house and provides details of strategies.	Advertises for review and comment.		Advertise for review and comment; Review comments; Ensure plan adequately reflects comments received.
Amending plans	MOF may require you to amend your plan if it is unlikely to succeed or is inconsistent with new objectives, strategies or measures; MOF may initiate and make amendments to plans.		Range agreement holders must amend plan if it is unlikely to succeed or is not in conformance with requirements or if required by the Minister.	

As a range agreement holder, you will notice that one of the biggest changes in responsibilities is that you are now responsible for gathering information both during the plan preparation and review & comment phases.

For additional information on range plans, refer to the: Range Use Plans & Range Stewardship Plans Guide.

First Nations Consultation Responsibilities

Your responsibilities for First Nations consultation have not changed from what they were under the Forest Practices Code. You must continue working with the MOF in the same way as before to ensure aboriginal rights and issues are taken into account in the management of Crown range.

Reporting and Monitoring Responsibilities

Under FRPA, the RUP or RSP is a working document, serving the purpose of a business plan for managing Crown range. The plan should be an active part of range management activities, not something that is approved and then put on a shelf for five years.

You need to keep checking your plan, documenting that activities are carried out as written in the plan, and providing reports to the MOF to demonstrate that the plan is working and up-to-date. All range agreement holders should establish and maintain good monitoring and reporting practices to assist them in demonstrating due diligence, where required, and showing that they have met government objectives. Holders of RSPs who do not maintain this high standard of range management will lose their qualifications for operating under an RSP, and be required to go back to working under the more prescriptive RUP for at least two years.

RPPR s.14(3)

On or before December 31st of each year, a report must be submitted by the RSP holder that outlines the grazing activities for the area of the plan for the calendar year. This report must include:

RPPR s.46

- the number of livestock on Crown range;
- the period in which the livestock occupied the Crown range; and
- issues/events that affect the ability to manage the area of the plan.

The following table highlights the reporting and monitoring responsibilities under each type of range plan:

	Range Use Plan Holders	Range Stewardship Plan Holders Level 1	Range Stewardship Plan Holders Level 2
Monitoring	• Must carry out any monitoring activities required by the District Manager prior to, or as a condition of, the plan's approval.	• Must include in plan a set of processes for monitoring and evaluating activities to ensure progress towards meeting: • objectives specified in plan; • range readiness; • stubble heights; and • range practices that affect: riparian & upland areas; resource features; general wildlife measures; fish & fish habitat; water quality.	• Must include in plan a set of processes for monitoring and evaluating: • consistency of practices with objectives; • results or strategies.
Reporting	• Must comply with all regulations or legislation specifying the content and timing of reports.	• Must comply with all regulations or legislation specifying reports. Report to DM as soon as possible any factors that may impact meeting desired results.	• Must comply with all regulations or legislation specifying reports. Report to DM as soon as possible any factors that may impact on meeting the desired results of the RSP.

Ensuring Consistency with Objectives through Range Practices

Government Objectives for Range

The Government has set objectives for the management and conservation of values that are key in protecting BC's forests and rangelands. All range agreement holders must ensure practices are consistent with objectives that are applicable to their tenure. This table shows these values and the objectives that are relevant to range.

RPPR Part 2 Division 2 s.5-12

Key Value	Objectives
Soils	• Protect soil properties
	• Minimise erosion and compaction
	• Minimize undesirable disturbance to soils
	• Maintain a vigorous and diverse cover of desirable plant species with a variety of root depths sufficient to protect the soils
	• Re-establish ecologically suitable vegetation after disturbance occurs
	• Maintain ground cover, including sufficient litter, and residual dry matter accumulation to protect the soil
	• Minimize accelerated erosion
	• Minimize sealing of the soil surface
Forage and associated plant communities	• Maintain or enhance healthy plant communities, including their vigour and cover
	• Maintain or enhance forage quality and quantity for livestock and wildlife
	• Recruit desirable plants, including through forage seeding
	• Maintain a variety of age classes and structural characteristics within plant communities
	• Maintain or improve litter
	• Enable range users to be efficient and competitive
Water	• Maintain or improve water resources
	• Maintain or promote healthy riparian and upland areas
	• Maintain or promote riparian vegetation that provides shade to maintain stream temperatures within the natural range of variability
	• Maintain or promote desired riparian plant communities
Fish	• Conserve fish, fish habitat and aquatic ecosystems
	• Manage any adverse effect of deleterious material

Key Value	Objectives
Wildlife	• Maintain or promote sustainable healthy, viable, productive and diverse wildlife populations and their associated habitat
	• Minimize disturbance during critical periods to wildlife or to wildlife habitats
	• Manage the risk of interactions between predators and livestock
Biodiversity	• Conserve biodiversity
	• Maintain native plant community dynamics
	• Encourage the development of late seral plant communities or other desired communities as appropriate
	• Maintain plant communities consistent with natural successional stages on areas where forage seeding is carried out within transitory range areas

In addition there are other objectives that may be established for part or all of the area under your plan. RPPR s.12 & s.34

These other objectives are for:

- Wildlife Habitat Areas (WHA's);
- Ungulate Winter Range (UWR's); and
- Water Quality.

If and when objectives are set for WHA's, UWR's, and Water Quality within your area, your plan must be consistent with these objectives.

One of the goals of FRPA is to continue a commitment to good management practices among users of Crown range. Operations are guided by the range plan's specified practices and actions which must be consistent with the Objectives Set By Government (OSBG).

The overheads titled "Objectives and Range Practices Under FRPA" (contained in this training package); provide a more detailed look at the Objectives Set By Government to conserve various values through range management. The overheads include information about how to ensure consistency and measure these objectives. Each section is divided into two parts:

- **Objective**: the objective as stated in the RPPR;
- **Practices**: specific requirements set out in the Act or regulations to support this objective.

Range Developments

Range Development vs. Range Practice

For the purposes of managing rangeland or livestock, a "range practice" means the grazing of livestock, hay cutting or activities related to grazing or hay cutting that are carried out on Crown range or activities relating to the construction, modifying or maintaining of a range development by a range agreement holder. FRPA s.1(1)

In contrast, a "range development" means a structure, excavation or livestock trail that is indicated in a range plan as a range development. "Range development" may also mean an activity, excluding a "range practice," that is designed to improve range condition or enable a more efficient use of range land (such as prescribed burning or slashing of young trees).

The following section highlights the requirements for range developments under FRPA. These are very similar to the requirements under the Forest Practices Code.

Range Development Maintenance

Before performing maintenance on a range development on Crown land, a person who does not hold a *Range Act* agreement must obtain the Minister's approval. FRPA s.51(2)

You are responsible for maintaining any range developments on areas for which you hold a range plan, unless the Minister waives this requirement, or orders you to remove the range development. The Minister can exempt you from maintenance requirements if: RPPR s.40

- another person has obtained the authorization from the Minister (under section 51 (2) of the Act) to maintain the range development; FRPA s.51 (2)
- another holder of an agreement under the *Range Act* is required to maintain the range development;
- an official designated by the minister has entered into an agreement with another person to develop maintain or remove a range development; or FRPA s.118 (2) (a.1)
- the Minister determines that it is not in the Public interest to maintain the range development.

Range Development Approval

Before you store hay, or carry out, construct, modify, remove, damage or destroy a range development on Crown range, you must have the Minister's approval. FRPA s.51

The Minister will consider the following questions in approving range developments: FRPA s.51(3)

- Is the activity consistent with range plan?
- Is the activity consistent with government objectives?
- Will the activity adequately protect and conserve the range resource?

The Minister may impose conditions for approval (including a security deposit).

Proposals for Range Developments

The Minister may require you to submit a proposal for a range development for review prior to approval. The steps in this process are: FRPA s.51(3) RPPR s.34

Step 1	Range agreement holder submits a copy of the proposal to the District Manager, and goes through a review and comment process similar to that used for range plans.
Step 2	Range agreement holders review any comments received and incorporate appropriate changes into the proposal.
Step 3	Range agreement holders provide copies of comments to the District Manager, along with a summary of revisions made to the proposal in response to comments.

The Minister may approve the range development after reviewing the proposal and any revisions made during the review or referral period. Advertising is not required unless the Minister specifically requests it.

Revegetation of Soil Exposed by Range Developments

If as a result of a range construction, you expose soil that will support vegetation on the area you must ensure it is revegetated within 2 years of finishing the construction. The vegetation must be ecologically suitable, that in the Minister's opinion will grow to maturity in the area. RPPR s.41

The Minister may exempt you from this requirement if the Minister is of the opinion that not ensuring that the area is revegetated is consistent with the Objective Set By Government for soils.

Range Developments in Community Watersheds

Authorization for range development may not be granted if the range development is: RPPR s.39

- within 50 meters of a stream in a community watershed; and
- inconsistent with another requirement in the RPPR.

Authorization may be granted for a range development in a community watershed if it is consistent with:

- Objective Set By Government in respect of water; and
- any water quality objectives.

Working on Range Developments Without Approval

If you are found to be storing hay or working on a range development without approval, or if the terms of approval are being contravened, the District Manager may issue an order for you to: FRPA s.51(7)

- remove or destroy the stored hay or the range development;
- restore the land under the stored hay or the range development, or both; or
- repair or rehabilitate the range development.

Developments No Longer Required or Effective

If a range development for which you are responsible is not effective, or is no longer needed for its original purpose, the District Manager may require you to remove it and rehabilitate the areas that were affected by it. FRPA s.51(8)

Additional Information

Additional information on specific range development rules and requirements can be found in:

- Chapter 15 of the MOF Range Manual
  http://www.for.gov.bc.ca/hfp/range/manual/CH15.htm
- Ministry of Agriculture Publications
  http://www.agf.gov.bc.ca/resmgmt/publist/Publ_List_Home.htm

Miscellaneous

Introduction

The following section lists miscellaneous changes to range practices as a result of the implementation of FRPA.

Tagging

If the Minister requires livestock to be tagged, they must provide the tags to the agreement holder prior to the start of the grazing season. RPPR s.42

The agreement holder:

- must attach the tags in a time and manner specified by the Minister;
- must report any loss of tags to the District Manager.

Crown Timber

In the course of carrying out activities for: RPPR s.43

- approved range developments; or
- approved RUP or RSP (Level 1 or Level 2)

a person is authorized to cut, damage, or destroy Crown timber. In this case, it is unnecessary for a range agreement holder to obtain a Forest Stewardship Plan.

Removal of Livestock

Free Growing Concerns

If you know that livestock grazing under your agreement will cause significant interference with the establishment of an area of a free growing stand, you must: RPPR s.44

- remove the livestock from the area; and
- not allow them to enter the area.

Livestock can re-enter the area if the Minister agrees sufficient measures have been taken to prevent the significant interference with the establishment of a free growing stand from recurring.

Intervention

The Minister may intervene to stop a range activity if the Minister has reasonable grounds to believe the activity will or probably will cause: FRPA s.77

- a catastrophic impact on public health or safety;
- any prescribed event or circumstance that will result in a free growing stand required under this Act not being established; or,
- any prescribed event or circumstance having an adverse impact on the environment.

For additional information on FRPA, refer to the: Range Management and the *Forest and Range Practices Act* Guide

Compliance and Enforcement

Changes were made to the compliance and enforcement (C&E) provisions of the Forest Practices Code in the Decem ber 17th 2002 amendments. These changes began a transition from the FPC to the new C&E provisions being introduced in the *Forest and Range Practices Act*. During this transition phase (Dec 17th 2002 – to December 31st, 2005), range agreement holders wil l take on an increased role in monitoring and reporting on their activities and how objectives are being met.

This will allow government to focus their efforts on enforcing the requirements of the legislation, including:

- dealing with problems such as trespassing livestock;
- inadequate or inappropriate range practices; and
- unauthorized range developments.

Compliance and enforcement under the *Forest and Range Practices Act* builds on the initial changes to the FP C and is focused on promoting good plannin g and communication between users of Crown range and government compliance and enforcement personnel.

Changes to C&E Provisions of the Forest Practices Code

Defences to Administrative Remedies & Prosecutions

The changes to the Forest Practices Code in December 2002 introduced three defences to contraventions or prosecutions. These three defences are:

FPC Act s.119.1 & s.157.1

- due diligence;
- mistake of fact; and
- officially induced error.

If you are believed to have broken one of the rules of the *Forest Practices Code of British Columbia Act* or regulations but you can show, on a balance of probabilities, that any one of the defen ces applies, you cannot be found to have contravened the Code.

Please note that the following descriptions of these defences are for general information only and do not constitute legal advice. The availability of these defences is very fact-specific. Accordingly, the brief and generalized descriptions and examples c ontained in this docum ent may not apply in all situations, and must not be construed as authorizing or condoning any par ticular field practice or course of action.

Due Diligence

Due diligence is a key principle underpinning the new results based framework under the FPC and FRPA. Under FRPA we no longer have a prescriptive legal framework, with the government telling you both what to do and how to do it. Instead, FRPA is a "shared responsibility" legal framework where the Government still tells you what needs to be done (i.e. the objectives that need to be achieved) but **how** to do it is your responsibility. Under this model, due diligence becomes the legal requirement of the licensee.

Due diligence is the standard or care to be exercised by a reasonable and prudent person acting under the particular circumstances of each case. A person who is utilizing Crown range resources is required to anticipate and take reasonable precautions to prevent any harm or damage as may foreseeably occur.

When assessing whether a defence of due diligence is applicable, the question: "what was **reasonable** considering all the circumstances?" will be asked. "Reasonable" does not mean superhuman efforts: it means a high standard of awareness and decisive, prompt and continuing action.

You may be able to support a defence of due diligence by:

- showing (i.e., by keeping records) that you had reasonable processes in place to avoid an incident; showing that you followed these processes;
- having work done by qualified registered professionals; and
- making decisions using all the information available at the time.

Although the assessment of due diligence will be done on a case by case basis, the following two principles apply in virtually every case:

✔	The greater the likelihood of a harmful event occurring, generally the higher the standard of care; and
✔	The greater the potential damage, the greater the degree of care required.

Both these principles just make good sense, if harm is very likely, or the potential harm is very great, then more care must be taken to prevent it.

Mistake of Fact

Mistake of fact may be a defence if the person who is alleged to have committed the contravention had, at the time of the contravention, an honest belief in the existence of a set or facts or circumstances that, if true, would constitute a defence to the charge. You may be able to support a defence of "Mistake of Fact" by:

- being able to show what the reasons were for believing the fact; and,
- having used available resources to test the fact (e.g. asking for advice from an agrologist who you have valid reason to believe is qualified in the relevant area of practice, or from qualified forest district staff).

The defence of mistake of fact is **not** available in a situation where a person has been willfully blind to the facts or is deliberately ignorant, nor is it available for someone who was clearly not competent to carry out activities in the required manner.

Officially Induced Error

The defence of officially induced error arises where a contravention or offence occurred as a result of a person having relied on the erroneous advice of a government official who is responsible for the administration of the particular law that has allegedly been broken.

To be successful, the person seeking to establish the defence must show that:

- reasonable efforts were made to ascertain what the law was;
- the advice was sought and obtained from a responsible government official;
- accurate information was provided to the official in requesting advice;
- the advice received appeared reasonable;
- there was actual reliance on the advice;
- such reliance was reasonable in the circumstances;
- the reliance was in good faith; and
- the advice was incorrect.

Transition between FPC and FRPA

Penalties vs. defences

The compliance & enforcement provisions (i.e. the penalties) of the Forest Practices Code continue to apply to all range agreement holders who are operating under a RUP approved under the FPC. However, the defences introduced in December 2002 will only apply in the case of contraventions that were determined after December 17, 2002. The defences will not be applied to any determinations before that date.

When you receive approval of a range plan (RUP or RSP) under the requirements of FRPA, then the compliance and enforcement provisions of FRPA apply to all operations carried out under that plan. If there are remaining activities ongoing that were started under a FPC plan, you should consult with qualified forest district staff to determine whether the activities will fall under the C&E rules for FPC or FRPA.

Compliance & Enforcement Provisions of FRPA

The following sections outline some of the primary provisions of compliance and enforcement under FRPA that apply to range plan holders. The guide "Range Management and the *Forest and Range Practices Act*" provides an overview of additional aspects of FRPA relating to non-compliance, including:

- what happens when you don't comply;
- what happens if you disagree with a determination; and
- audits, investigations and public complaints.

The Compliance & Enforcement Program of MOF will be focusing its inspection efforts on determining whether results specified in the plan or in legislation are being met. For example, staff will inspect as to whether:

- range readiness criteria are established and met before using range;
- stubble heights and browse utilization levels are being followed; and,
- uplands and riparian areas are in properly functioning condition.

Reporting and Monitoring

You are expected to have appropriate monitoring and reporting systems in place to ensure your activities are being done in accordance with your range plan.

Monitoring includes:

- ensuring you collect information in a regular and consistent way;

- analysis of that information; and
- interpretation of information gathered over time to check your progress toward ensuring consistency with objectives or outcomes.

Reporting includes:

- annual reports made on the use of Crown range;
- regular updates on issues/events that may affect your ability, or the ability of the MOF, to manage Crown range resources, including:
    - recreation interactions;
    - wildlife interactions or conflicts;
    - gates left open;
    - weather events; and
    - numbers of animals using Crown range, and when they go on and off the range.

Contraventions & Penalties under FRPA

Under the *Forest and Range Practices Act*, you will have a greater degree of flexibility and a correspondingly higher obligation to deliver the results and outcomes specified in your plans. To enforce this obligation, FRPA includes both administrative penalties levied by government officials and prosecution in the courts when the requirements of the Act(s) and regulations are contravened. FRPA s.87

Appendix D outlines the contraventions and penalties relative to range practices under FRPA and the Range Planning and Practices Regulation. Fines can double for a second or subsequent conviction.

Vicarious Liability for Contraventions under FRPA

Under FRPA, the responsibility for contraventions is not necessarily limited solely to the person or corporation who carried out the alleged contravention. FRPA s.71 (3) & (4)

If your employee, contractor or agent is found to be in contravention of the Act or regulation in the process of carrying out the terms of their contract, then you are also considered to be in contravention. This puts the onus on you to ensure that activities or work being carried out on your behalf is done in accordance with all the relevant requirements and rules.

A similar liability applies to a director or an officer of a corporation that is found in contravention. If such a person authorized or permitted activities that led to the contravention, or knew about the activities and remained silent, they may also be held responsible for the contravention.

Non-Compliance with Orders

If the Minister determines that you have not complied with an order given under FRPA, the Minister may apply to the Supreme Court of BC for a court order to direct you to comply with the order. FRPA s.90

The following are examples of orders that might be the subject of a Supreme Court order:

- A person who stored hay or did work on range developments without authorization may be ordered to remove and/or destroy the

hay or range development; restore land under the unauthorized stored hay or range developments, or repair or rehabilitate the range development.

- A person who illegally constructs or occupies a building on Crown land in a provincial forest may be ordered to remove and/or destroy the building and restore land underneath it.
- A person can be ordered to produce to the District Manager any specified records related to an activity that requires a licence, permit, plan or approval.
- A person carrying out activities that contravene the Act, regulations or standards may be ordered to stop work, remedy a contravention, or repair or mitigate damage resulting from those activities.

Failure or refusal to comply with valid orders issued by government officials or the courts may result in fines or imprisonment.

Defences to Administrative Proceedings and Prosecutions

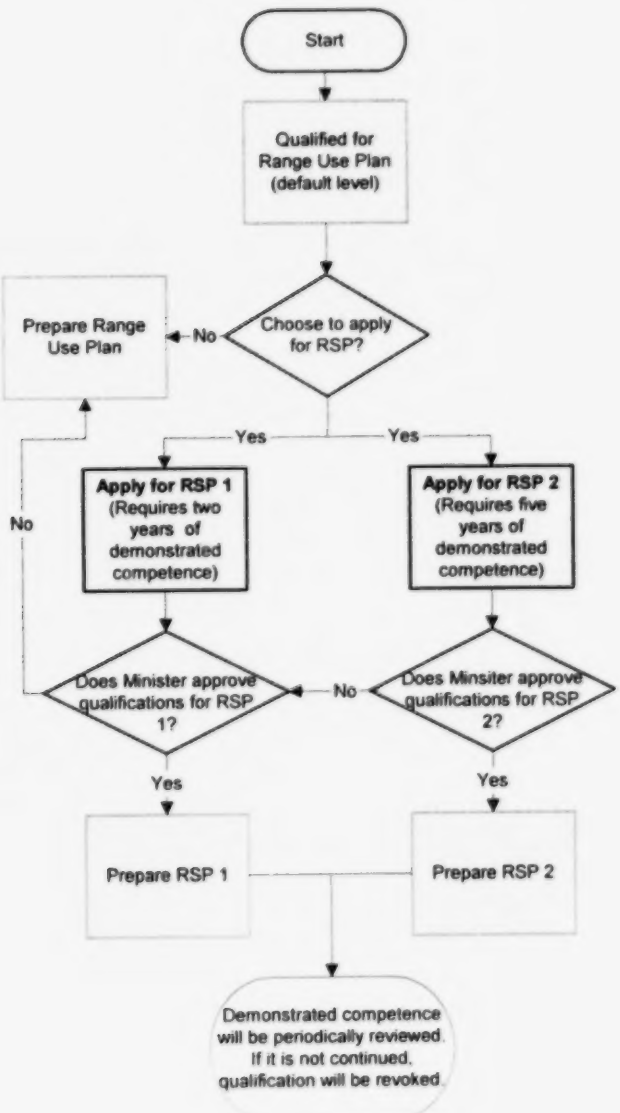
As discussed earlier the three defences introduced for the Forest Practices Code in December 2002 will also apply to administrative proceedings and prosecutions under FRPA. FRPA s.95

These defences were originally applicable only to contraventions or prosecutions under the *Forest Practices Code of BC Act* and its accompanying regulations or standards. During transition these defences will also apply to contraventions and prosecutions under FRPA, the *Forest Act* and the *Range Act*, and their regulations.

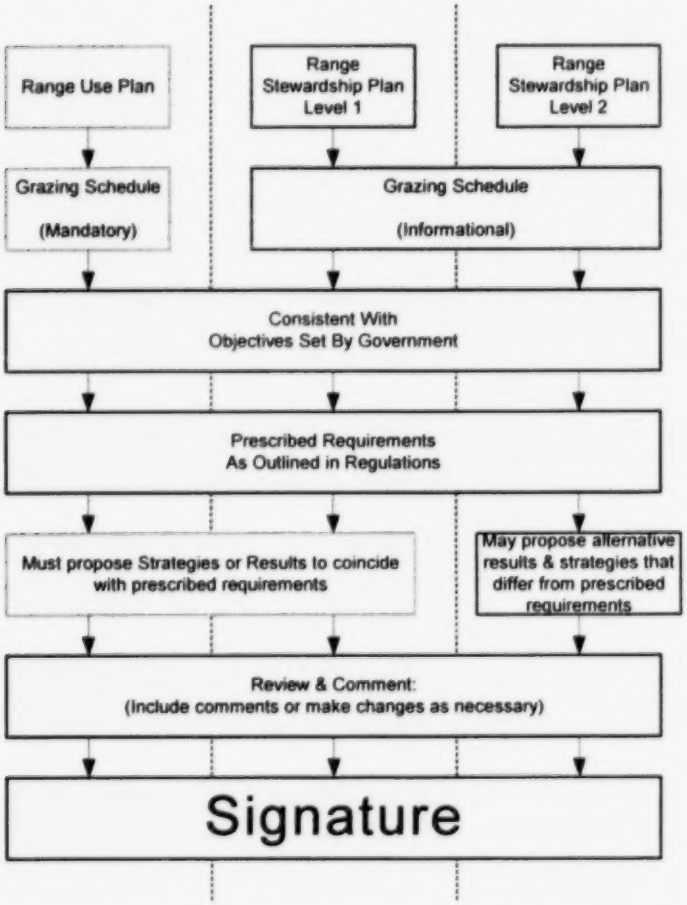
Lack of Knowledge Does Not Constitute a Defence

A lack of knowledge of the requirements of legislation, regulations or standards is NOT a defence against a contravention under the FPC or FRPA.

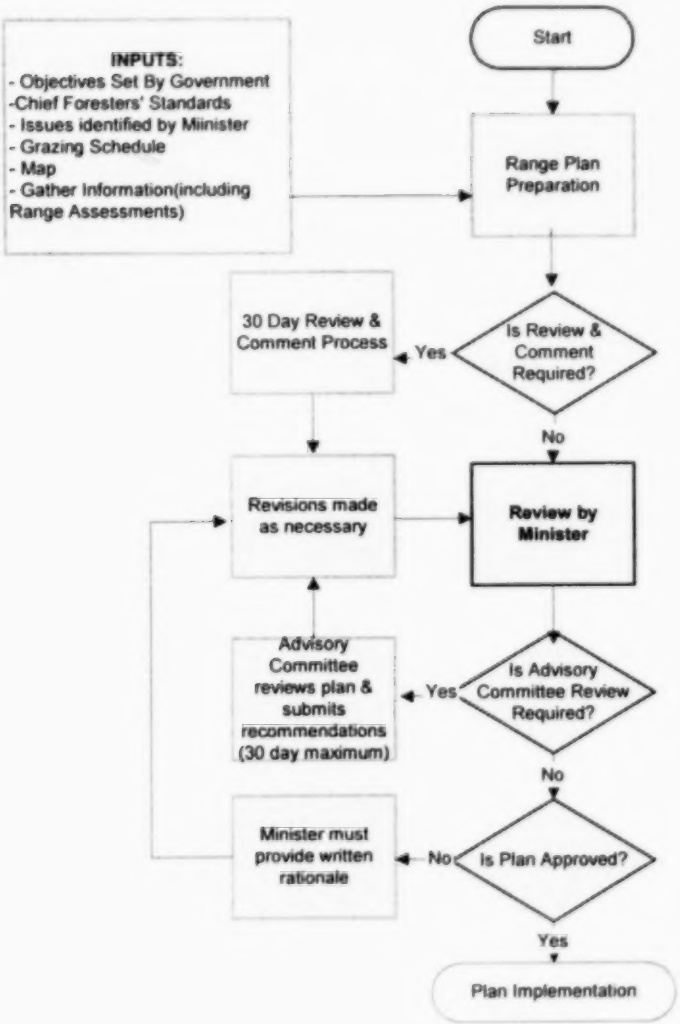
Appendix A: Plan Qualification Flow Chart


Start
Qualified for Range Use Plan (default level)
Choose to apply for RSP?
No
Prepare Range Use Plan
Yes
Yes
Apply for RSP 1 (Requires two years of demonstrated competence)
Apply for RSP 2 (Requires five years of demonstrated competence)
No
Does Minister approve qualifications for RSP 1?
No
Does Minsiter approve qualifications for RSP 2?
Yes
Yes
Prepare RSP 1
Prepare RSP 2
Demonstrated competence will be periodically reviewed. If it is not continued, qualification will be revoked.

Appendix B: Plan Content Chart


Range Use Plan
Range Stewardship Plan Level 1
Range Stewardship Plan Level 2
Grazing Schedule (Mandatory)
Grazing Schedule (Informational)
Consistent With Objectives Set By Government
Prescribed Requirements As Outlined in Regulations
Must propose Strategies or Results to coincide with prescribed requirements
May propose alternative results & strategies that differ from prescribed requirements
Review & Comment: (Include comments or make changes as necessary)
Signature

Appendix C: Plan Approval Flow Chart



Appendix D: Contraventions and Penalties

Legislation Reference	Description of Contravention	Maximum Potential Penalty
General	If an official has grounds to believe that a person is contravening a provision of the Act(s), regulations and/or standards.	Stop order issued (general measure – does not limit other penalties) and administrative penalty (amount to be determined by MOF)
FRPA 32	Grazes livestock or cuts hay on Crown land without first preparing and obtaining approval of a RUP or RSP.	$100,000 and/or up to 1 year in jail
FRPA 38	Fails to submit a mandatory amendment to range use plan when required.	$100,000 and/or up to 1 year in jail
FRPA 45	Grazes livestock, cuts hay or carries out/maintains a range development on Crown range not in accordance with the Act and relevant regulations, standards or plans; OR grazes livestock on Crown range without necessary brands or tags.	$100,000 and/or up to 1 year in jail
FRPA 46	Knowingly carries out a forest practice, range practice or other activity that result in damage to the environment, unless otherwise authorized or acting in accordance with relevant Act(s).	$1,000,000 and/or 3 years in jail
FRPA 47	Carries out a range plan in a way that allows noxious weeds or invasive plants to be introduced and/or spread.	$100,000 and/or up to 1 year in jail
FRPA 48	Removes or renders ineffective a natural range barrier and not taking proper measures to replace it or create the same effect that the natural range barrier had.	$100,000 and/or up to 1 year in jail
FRPA 50(1)	Causes or permits livestock to be driven on or to graze on Crown range unless: • authorized; and • acting in accordance with relevant Act(s), regulations and plans	Seizure, holding, destruction and/or sale of livestock; $100,000 and/or up to 1 year in jail

Legislation Reference	Description of Contravention	Maximum Potential Penalty
FRPA 50(2)	Cutting, removing, damaging or destroying hay on Crown range unless: • authorized; and • acting in accordance with relevant Act(s), regulations and plans.	Seizure, holding, destruction and/or sale of hay; seizure and holding of vehicles used to transport hay; $100,000 and/or up to 1 year in jail
FRPA 51	Storing hay or carrying out work on range developments without necessary authorization.	Seizure, removal or destruction of relevant assets; seizure and holding of vehicles used to transport hay; remediation order; $100,000 and/or up to 1 year in jail
FRPA 51(6)	Not complying with conditions of an authorization to perform work on a range development.	$5,000 and/or 6 months in jail
FRPA 52	Unauthorized timber harvesting.	$1,000,000 and/or 3 years in jail
FRPA 54	Constructing or occupying a building on Crown land without necessary authorization.	Removal and/or destruction of building; remediation order; $100,000 and/or up to 1 year in jail
FRPA 63	Failing to stop a vehicle or vessel when required to do so by a peace officer or official working under section 60 of the Act who displays his/her badge and is in or near a readily identifiable government vehicle/vessel.	$100,000 and/or up to 1 year in jail
FRPA 97	Interfering with, refusing to comply with, or intentionally misleading a person acting in an official capacity under this section of the Act.	Plan or permit obtained through contravention may be suspended or cancelled; $100,000 and/or up to 1 year in jail
FRPA 111	Not complying with any order given to a person under the Act.	$500,000 and/or 2 years in jail
RPPR 48	A contravention of any of the sections listed in section 48 constitutes an offence.	A fine not exceeding $5,000 and/or 6 months in jail

Appendix E: Glossary of Terms & Acronyms

Most of the terms or acronyms in this glossary appear in the FRPA Range Training Guide. Some terms have been added here for additional clarification of the concepts being discussed in the workshop.

For additional terms and definitions, visit the Ministry of Forests "Glossary of Forestry Terms" website at the following website address:

- http://www.for.gov.bc.ca/PAB/PUBLCTNS/GLOSSARY/GLOSSARY.HTM

Term	Definition
Agrologist:	A person registered as an agrologist under the *Agrologists Act*.
Agrology:	"agrology" means using agricultural and natural sciences and agricultural and resource economics, including collecting or analyzing data or carrying out research or assessments, to design, evaluate, advise on, direct or otherwise provide professional support to: (a) the cultivation, production, improvement, processing or marketing of aquatic or terrestrial plants or animals, or (b) the classification, management, use, conservation, protection, restoration, reclamation or enhancement of aquatic or terrestrial ecosystems that are affected by, sustain, or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals.
British Columbia Institute of Agrologists:	Professional organization in BC responsible for protecting and preserving the principles of agriculture and natural science and ensuring the expertise of its members.
Biodiversity (biological diversity):	The diversity of plants, animals, and other living organisms in all their forms and levels of organization, including genes, species, ecosystems, and the evolutionary and functional processes that link them.
DM:	District Manager.
FDP:	Forest Development Plan.
FPC:	Forest Practices Code (the Forest Practices Code of British Columbia Act and all associated regulations and guidebooks).
Free-growing stand:	Defined in the Forest Practices Code of British Columbia Act as a stand of healthy trees of a commercially valuable species, the growth of which is not impeded by competition from plants, shrubs, or other trees.
FRPA:	Forest and Range Practices Act.
FRR:	Forest Road Regulation.
FSP:	Forest Stewardship Plan – these will replace Forest Development Plans.
GPS traverse:	A survey (traverse) conducted using a portable global positioning system receiver.

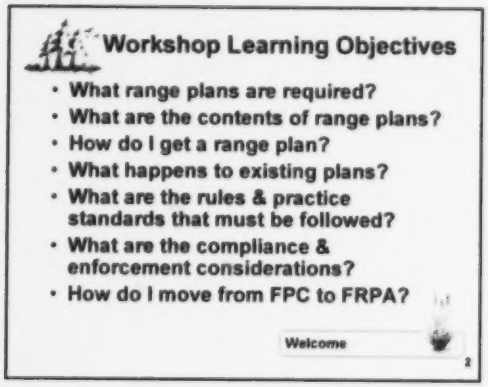
Term	Definition
OSPR:	Operational and Site Planning Regulation.
Permanent access limits:	Limit on the level of permanent access. This is now set as 7% of the gross block area as identified in the Timber Harvesting and Silviculture Practices Regulation.
Permanent access structure:	A structure, including a road, bridge, landing, gravel pit or other similar structure, that provides access for timber harvesting, and is shown expressly or by necessary implication on a forest development plan, access management plan, logging plan, road permit or silviculture prescription as remaining operational after timber harvesting activities on the area are complete.
Range readiness criteria:	Means the criteria that indicate when the range is ready for grazing based on a defined stage of plant growth.
Regeneration:	The renewal of a tree crop through either natural means (seeded on-site from adjacent stands or deposited by wind, birds, or animals) or artificial means (by planting seedlings or direct seeding).
Resource features:	Means: (a) a wildlife habitat feature, (b) a water supply intake and related water supply infrastructure, (c) a recreation feature, (d) a recreation facility being managed by government, and (e) any localized feature designated by the minister as a resource feature.
Riparian area:	means an area of land that (a) is adjacent to a stream, lake or wetland, and (b) contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas.
Riparian management zone:	Defined in the Forest Practices Code of British Columbia Act Operational Planning Regulation as that portion of the riparian management area that is outside of any riparian reserve zone or if there is no riparian zone, that area located adjacent to a stream, wetland or lake of a width determined in accordance with Part 10 of the regulation.
Riparian reserve zone:	Defined in the Forest Practices Code of British Columbia Act Operational Planning Regulation as that portion, if any, of the riparian management area or lakeshore management area located adjacent to a stream, wetland, or lake of a width determined in accordance with Part 10 of the regulation.
SDM:	Statutory Decision Maker.
Silviculture:	The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands. Silviculture entails the manipulation of forest and woodland vegetation in stands and on landscapes to meet the diverse needs and values of landowners and society on a sustainable basis.
SMP:	Stand Management Prescriptions.
SP:	Silviculture Prescriptions.
Stand level:	The level of forest management at which a relatively homogeneous land unit can be managed under a single

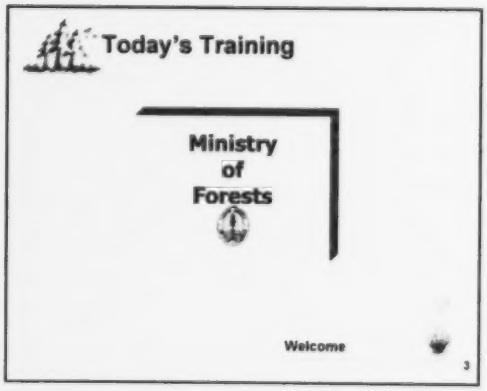
Term	Definition
	prescription, or set of treatments, to meet well-defined objectives.
Stand management prescription:	A site-specific operational plan describing the nature and extent of silviculture activities planned for a free growing stand of trees to facilitate the achievement of specified or identified social, economic and environmental objectives.
Stream:	Means a watercourse, having an alluvial sediment bed, formed when water flows, on a perennial or intermittent basis, between continuous definable banks.
Stubble height:	Means the height of plants remaining after harvesting or grazing.
THSPR:	Timber Harvesting and Silviculture Practices Regulation.
Transferee	Means a person to whom an agreement under the *Range Act* has been transferred.
Water supply infrastructure:	Means the infrastructure associated with a water supply intake.
Water supply intake:	Means a water supply intake to provide water for human consumption that is (a) licensed under the Water Act, or (b) within a community watershed.
Wildlife tree:	Defined in the Forest Practices Code of British Columbia Act Operational Planning Regulation as a tree or group of trees that are identified in an operational plan to provide present or future wildlife habitat. A wildlife tree is a standing live or dead tree with special characteristics that provide valuable habitat for the conservation or enhancement of wildlife. Characteristics include average diameter and height for the site, current use by wildlife declining or dead condition, value as a species, valuable location, and relative scarcity.
WLFMR:	Woodlot Licence Forest Management Regulation.

Participant Overheads

1. Welcome

Welcome!
Range Planning & Practices Workshop
1


Workshop Learning Objectives
• What range plans are required?
• What are the contents of range plans?
• How do I get a range plan?
• What happens to existing plans?
• What are the rules & practice standards that must be followed?
• What are the compliance & enforcement considerations?
• How do I move from FPC to FRPA?
Welcome
2


Today's Training
Ministry of Forests
Welcome
3

About the Training

- Training being delivered to range personnel and clients
  - 17 sessions in the Southern Interior Region
  - 18 sessions in the Northern Interior Region
- Mix of presentation & discussion
- Reference books included

Welcome 4

Agenda

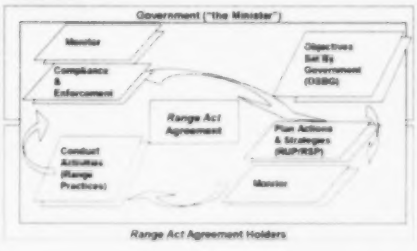
- 1:0 0 – 1:30 FRPA Overview
- 1:3 0 – 2:10 Range Planning
- 2:1 0 – 2:40 Objectives & Range Practices under FRPA

2:40 – 3:00 Refreshment break

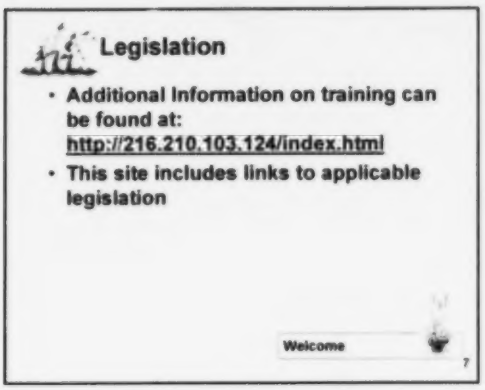
- 3:0 0 – 3:30 Roles & Responsibilities
- 3:3 0 – 4:00 Compliance & Enforcement
- 4:0 0 – 4:30 Summary & Discussion
- 4:3 0 Wrap-up

Welcome 5

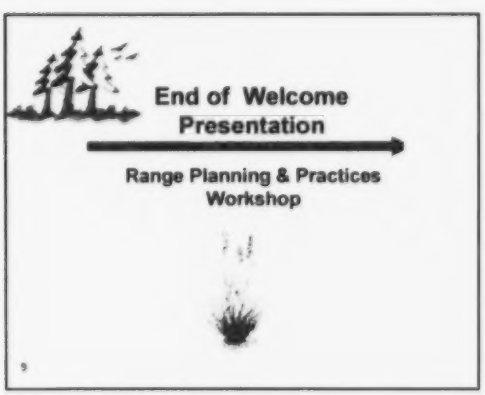
Results-based Framework



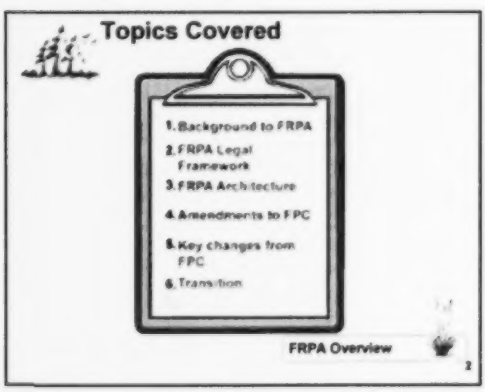
Welcome 6

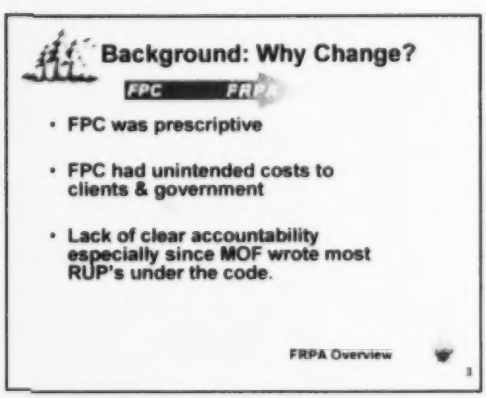

Legislation
• Additional Information on training can be found at:
http://216.210.103.124/index.html
• This site includes links to applicable legislation
Welcome
7

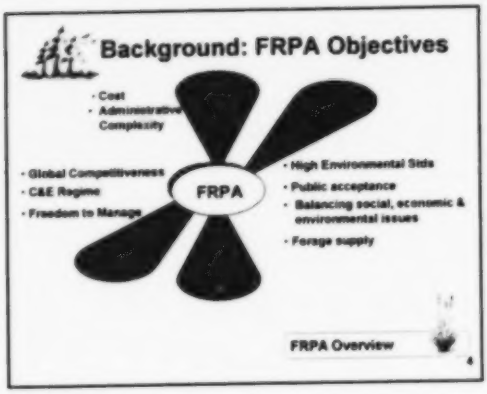
Additional Training
• Forestry Modules:
• Overview
• Professional Reliance
• Planning
• Harvesting & Roads
• Silviculture
• Woodlots Workshop
• C&E Workshop
• Public Module
Welcome
8

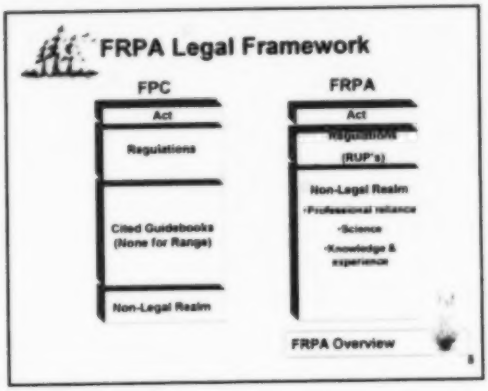

End of Welcome Presentation
Range Planning & Practices Workshop
9

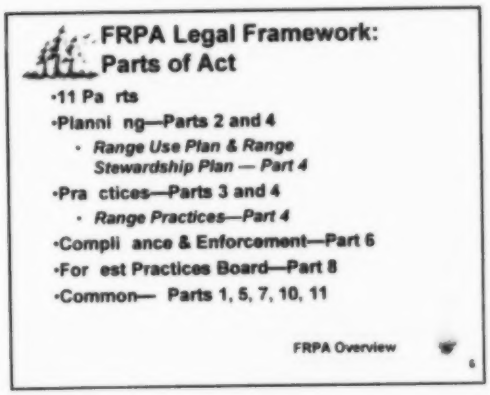
FRPA Overview
Range Planning & Practices Workshop
1

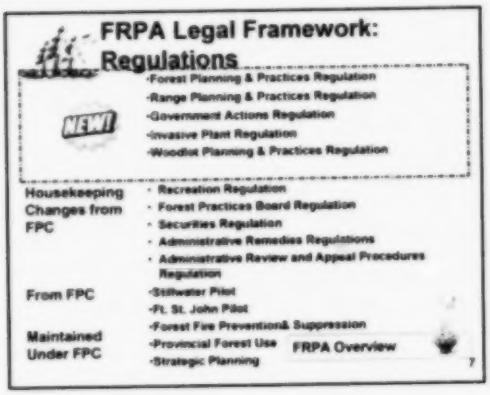

Topics Covered
1. Background to FRPA
2. FRPA Legal Framework
3. FRPA Architecture
4. Amendments to FPC
5. Key changes from FPC
6. Transition
FRPA Overview
2

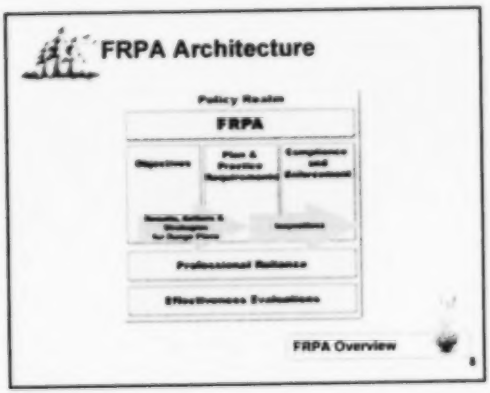

Background: Why Change?
FPC
FRP
• FPC was prescriptive
• FPC had unintended costs to clients & government
• Lack of clear accountability especially since MOF wrote most RUP's under the code.
FRPA Overview
3

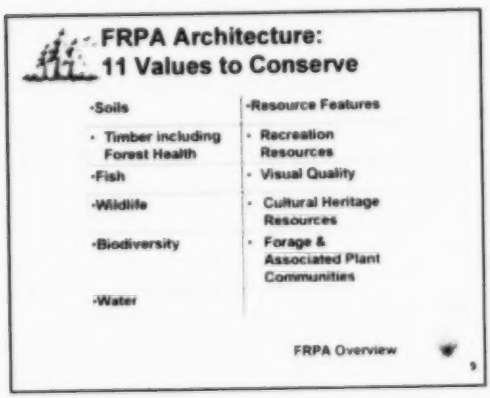

Background: FRPA Objectives
· Cost
· Administrative Complexity
· Global Competitiveness
· C&E Regime
· Freedom to Manage
FRPA
· High Environmental Bids
· Public acceptance
· Balancing social, economic & environmental issues
· Forage supply
FRPA Overview
4


FRPA Legal Framework
FPC
Act
Regulations
Cited Guidebooks (None for Range)
Non-Legal Realm
FRPA
Act
Regulations (RUP's)
Non-Legal Realm
·Professional reliance
·Science
·Knowledge & experience
FRPA Overview
5


FRPA Legal Framework: Parts of Act
·11 Pa rts
·Planni ng—Parts 2 and 4
· Range Use Plan & Range Stewardship Plan — Part 4
·Pra ctices—Parts 3 and 4
· Range Practices—Part 4
·Compli ance & Enforcement—Part 6
·For est Practices Board—Part 8
·Common— Parts 1, 5, 7, 10, 11
FRPA Overview
6


FRPA Legal Framework:
Regulations
•Forest Planning & Practices Regulation
•Range Planning & Practices Regulation
•Government Actions Regulation
•Invasive Plant Regulation
•Woodlot Planning & Practices Regulation
NEW!
Housekeeping Changes from FPC
• Recreation Regulation
• Forest Practices Board Regulation
• Securities Regulation
• Administrative Remedies Regulations
• Administrative Review and Appeal Procedures Regulation
From FPC
•Stillwater Pilot
•Ft. St. John Pilot
Maintained Under FPC
•Forest Fire Prevention& Suppression
•Provincial Forest Use
•Strategic Planning
FRPA Overview
7


FRPA Architecture
Policy Realm
FRPA
Professional Reliance
Effectiveness Evaluations
FRPA Overview
8


FRPA Architecture:
11 Values to Conserve
•Soils
• Timber including Forest Health
•Fish
•Wildlife
•Biodiversity
•Water
•Resource Features
• Recreation Resources
• Visual Quality
• Cultural Heritage Resources
• Forage & Associated Plant Communities
FRPA Overview
9

Professional Reliance

- When
  - Know when to rely on the judgment of a professional
  - Professional behaviour should be the norm for all employed in forest and range management
- Why
  - Meet approval tests of government
  - Demonstrate Due Diligence

FRPA Overview 10

Professional Reliance

- Accountability
  - Employers, clients, peers, subordinates, contractors and other, all play an important role in professional reliance
  - Understand needs and responsibilities of professional practice
  - Professional practice may be restricted to those who meet requirements of professional regulatory body

FRPA Overview 11

Amendments to FPC

- RUP's prepared under FPC will expire by December 31, 2005
- Silviculture prescriptions replaced by site plans
- 3 new defences introduced:
  - Due Diligence
  - Mistake of Fact
  - Officially induced error

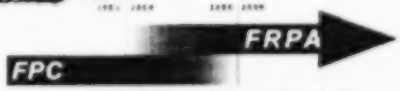
FRPA Overview 12

Key Changes from FPC

Plan Content	Detailed RUP	Simplified RUP and RSPs
Practices	Prescribed	Results specified
Term	1- 10 years	1- 5 years (possible extension)

FRPA Overview 13

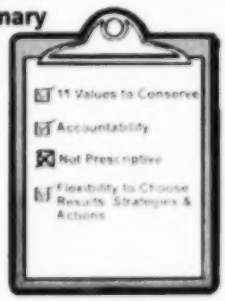
Range Transition – FPC to FRPA



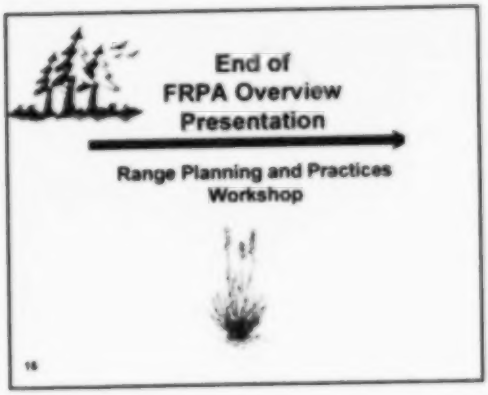
- All current RUP's will continue until Dec.31 2005.
- New RUP's or RSP's must be prepared & approved under FRPA.
  - New RUP's and RSP's will last for up to 5 years. Can be extended for up to 5 years.
- All grandparented plans expire on December 31 2005.

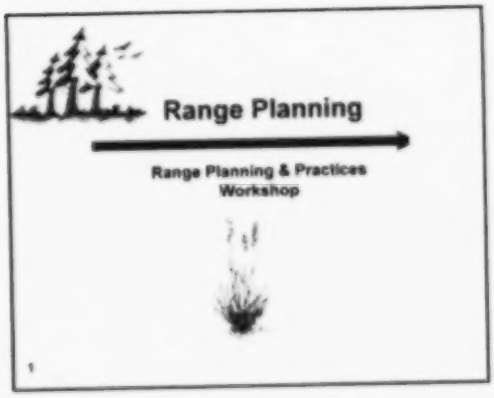
FRPA Overview 14

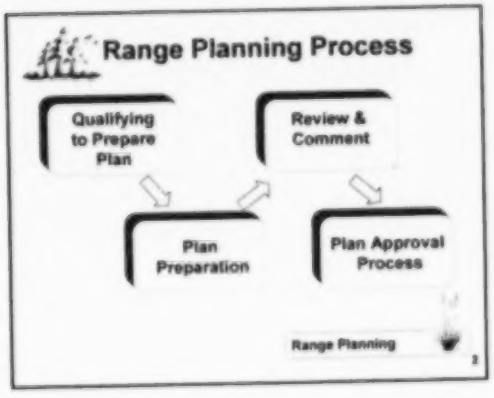
Summary

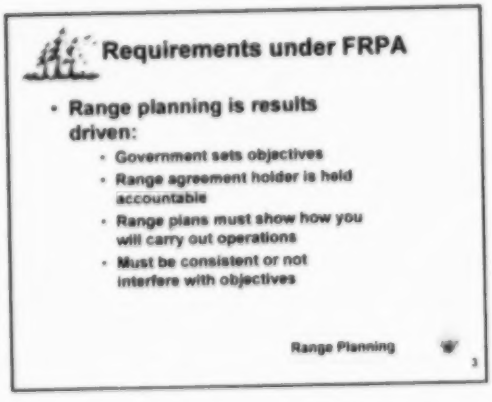


FRPA Overview 15


End of
FRPA Overview
Presentation
Range Planning and Practices
Workshop
18


Range Planning
Range Planning & Practices Workshop
1


Range Planning Process
Qualifying to Prepare Plan
Review & Comment
Plan Preparation
Plan Approval Process
Range Planning
2


Requirements under FRPA
Range planning is results driven:
Government sets objectives
Range agreement holder is held accountable
Range plans must show how you will carry out operations
Must be consistent or not interfere with objectives
Range Planning
3

Communication between range and forest licensees

- Natural range barriers must not be removed without mitigation
- Disturbed soils must be revegetated
- Limit introduction and spread of invasive plants
- Livestock must not interfere with the establishment of a free growing stand
- Scheduling
- Ecosystem restoration

Range Planning 4

Requirements under FRPA

- Two types of range plans:

Range Use Plans		Range Stewardship Plan Level 1
Hay Cutting	Livestock Grazing	Range Stewardship Plan Level 2

Range Planning 5

The RUP is the default

- a map
- a grazing schedule
- actions to deal with issues identified by the Minister
- conform with prescribed matters
- actions to prevent introduction and spread of invasive plants
- consistent with objectives set by government

Range Planning 6

RSP Level 1 vs. RSP Level 2

Range Stewardship Plan Level 1	Range Stewardship Plan Level 2
2+ years competence	5+ years competence
Same content as RUP except: • Does not include a schedule • Requires descriptions/measures to monitor operations to ensure objectives met	Same content as RSP Level 1 plus: • May include alternative results & strategies to achieve objectives, as approved by Minister (cont'd)

Range Planning

7

RSP Level 2 (cont'd)

Range Stewardship Plan Level 2

May propose alternatives to prescribed matters:

-range readiness criteria
-stubble heights and/or browse use levels
-plant communities

Range Planning

8

Exemption from having a range plan

- Minister can exempt licensee from preparing RUP or RSP
  - Specified conditions
  - Timeframe for exemption

Range Planning

9

Other Exemptions Possible

- a range agreement holder proposes alternative(s) that will achieve the intent of objectives (WHAs, GWMs, UWR)
- a range practice will not materially adversely affect a resource value or feature..... (cont'd)

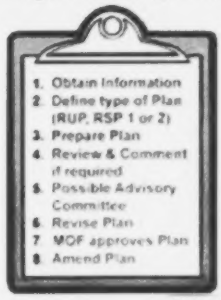
Range Planning 10

Other exemptions to practices (cont'd)

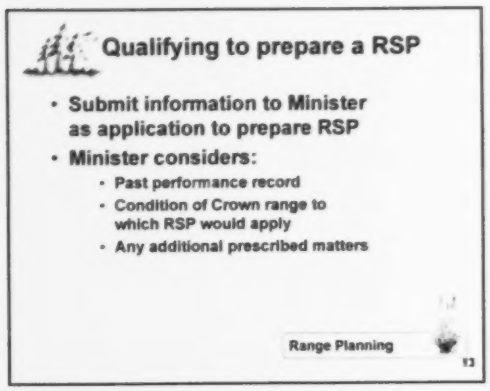
- fish and fish habitat
- water quality
- resource and wildlife habitat features
- revegetation
- restrictions on developments in community watersheds

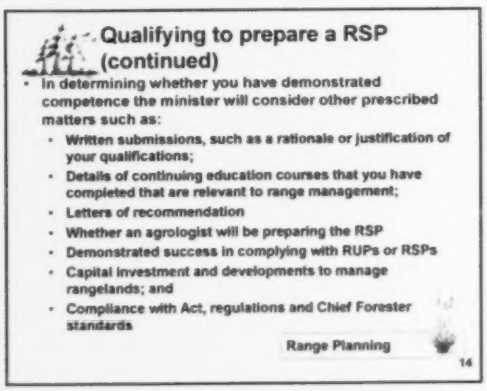
Range Planning 11

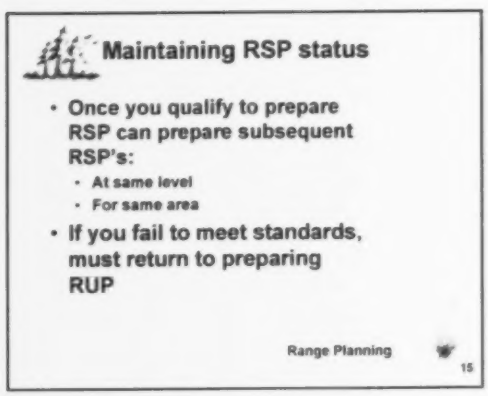
Range Planning Steps


1. Obtain Information
2. Define type of Plan (RUP, RSP 1 or 2)
3. Prepare Plan
4. Review & Comment if required
5. Possible Advisory Committee
6. Revise Plan
7. MOF approves Plan
8. Amend Plan

Range Planning 12


Qualifying to prepare a RSP
• Submit information to Minister as application to prepare RSP
• Minister considers:
• Past performance record
• Condition of Crown range to which RSP would apply
• Any additional prescribed matters
Range Planning
13


Qualifying to prepare a RSP (continued)
• In determining whether you have demonstrated competence the minister will consider other prescribed matters such as:
• Written submissions, such as a rationale or justification of your qualifications;
• Details of continuing education courses that you have completed that are relevant to range management;
• Letters of recommendation
• Whether an agrologist will be preparing the RSP
• Demonstrated success in complying with RUPs or RSPs
• Capital investment and developments to manage rangelands; and
• Compliance with Act, regulations and Chief Forester standards
Range Planning
14


Maintaining RSP status
• Once you qualify to prepare RSP can prepare subsequent RSP's:
• At same level
• For same area
• If you fail to meet standards, must return to preparing RUP
Range Planning
15

Maintaining RSP status (Continued)

- If you fail to meet the following standards you must go back to a RUP level:
  - Continue a record of satisfactory compliance;
  - Maintain or improve range condition and/or trend;
  - Carry out agreed to monitoring and reporting; and
  - Continue demonstrated success in reaching goals and objectives.

Range Planning 16

Preparing the RUP

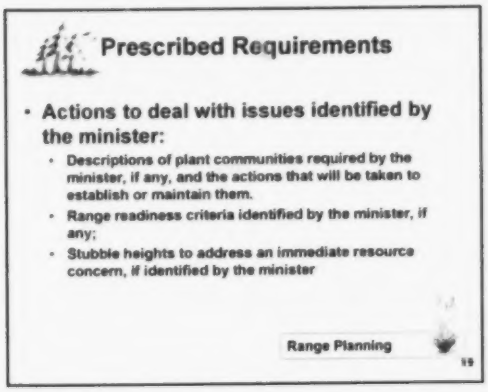
- ✓ A Map
- ✓ Actions to deal with issues identified by the Minister
- ✓ Conform to any prescribed requirements
- ✓ Actions to prevent the introduction or spread of invasive plants
- ✓ Must be consistent with Objectives Set By Government
- ✓ RUP's for livestock grazing schedule includes:
  - ✓ Livestock class
  - ✓ Number of Livestock
  - ✓ Period of Use
- ✓ RUP's for hay cutting schedule includes:
  - ✓ Average stubble height
  - ✓ Period of hay cutting
- ✓ Signature

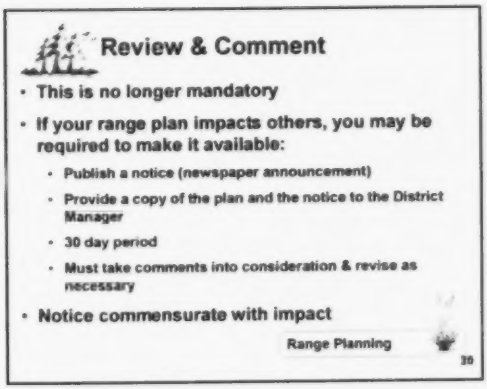
Range Planning 17

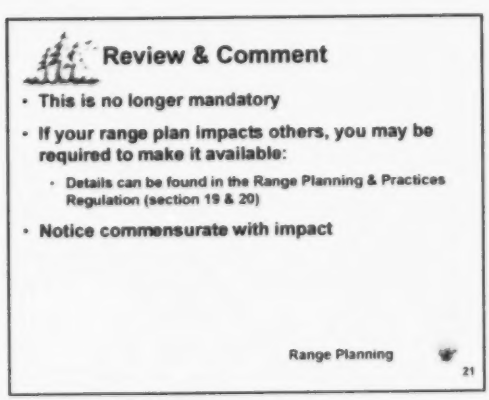
Preparing the RSP

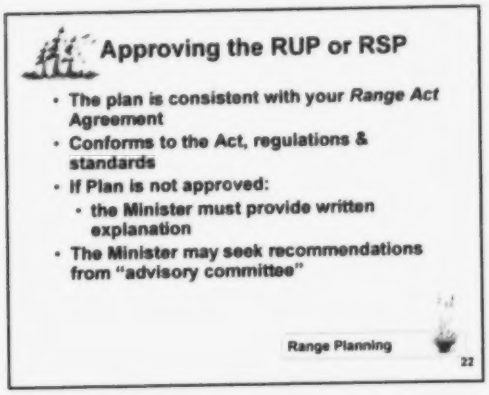
- ✓ A Map
- ✓ Actions to deal with issues identified by the Minister
- ✓ Conform to any prescribed requirements
- ✓ Actions to prevent the introduction or spread of invasive plants
- ✓ Must be consistent with Objectives Set By Government
- ✓ Documented process for monitoring & evaluating
- ✓ Signature

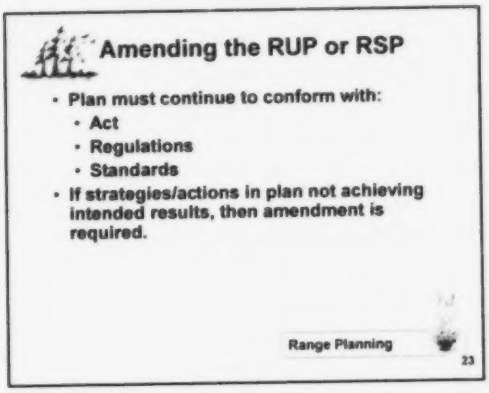
Range Planning 18

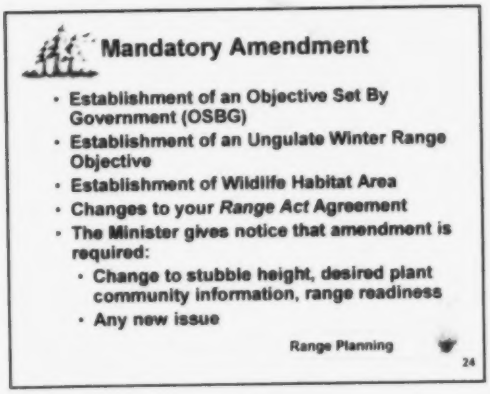

Prescribed Requirements
• Actions to deal with issues identified by the minister:
• Descriptions of plant communities required by the minister, if any, and the actions that will be taken to establish or maintain them.
• Range readiness criteria identified by the minister, if any;
• Stubble heights to address an immediate resource concern, if identified by the minister
Range Planning
19


Review & Comment
• This is no longer mandatory
• If your range plan impacts others, you may be required to make it available:
• Publish a notice (newspaper announcement)
• Provide a copy of the plan and the notice to the District Manager
• 30 day period
• Must take comments into consideration & revise as necessary
• Notice commensurate with impact
Range Planning
20


Review & Comment
• This is no longer mandatory
• If your range plan impacts others, you may be required to make it available:
• Details can be found in the Range Planning & Practices Regulation (section 19 & 20)
• Notice commensurate with impact
Range Planning
21


Approving the RUP or RSP
• The plan is consistent with your Range Act Agreement
• Conforms to the Act, regulations & standards
• If Plan is not approved:
• the Minister must provide written explanation
• The Minister may seek recommendations from "advisory committee"
Range Planning
22


Amending the RUP or RSP
• Plan must continue to conform with:
• Act
• Regulations
• Standards
• If strategies/actions in plan not achieving intended results, then amendment is required.
Range Planning
23


Mandatory Amendment
• Establishment of an Objective Set By Government (OSBG)
• Establishment of an Ungulate Winter Range Objective
• Establishment of Wildlife Habitat Area
• Changes to your Range Act Agreement
• The Minister gives notice that amendment is required:
• Change to stubble height, desired plant community information, range readiness
• Any new issue
Range Planning
24

Multiple Range Plans

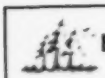
- More than one range plan affecting an area can create "cumulative impact"
  - You can ask the Minister to review the situation
  - The Minister can ask one or more range plan holders to amend their plans
  - The Minister may establish targets for sharing responsibility (e.g. grazing at different times).

Range Planning 25

Minor Amendment

- Minister's approval not required if:
  - Otherwise conforms to:
    - FRPA
    - Regulations
    - Standards
  - Does not materially affect likelihood of achieving the results

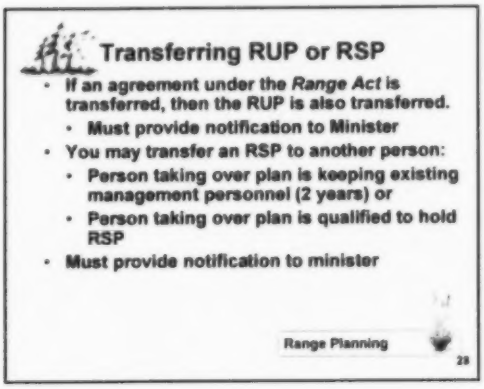
Range Planning 26



Extending the RUP or RSP

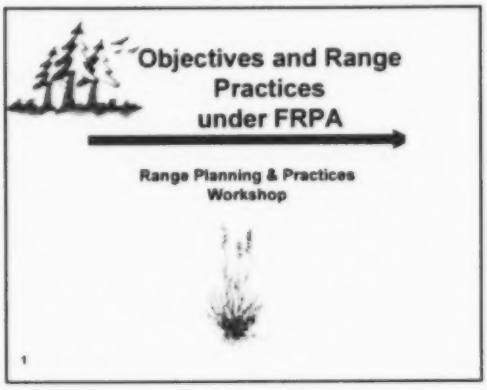
- Minister may extend plans for up to five years after expiry:
  - Plans must be up to date
  - Plans must be in compliance with all requirements of FRPA & RPPR
- May include changes as long as they are consistent with the regulations

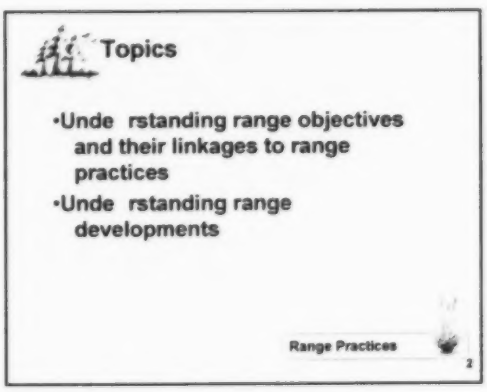
Range Planning 27

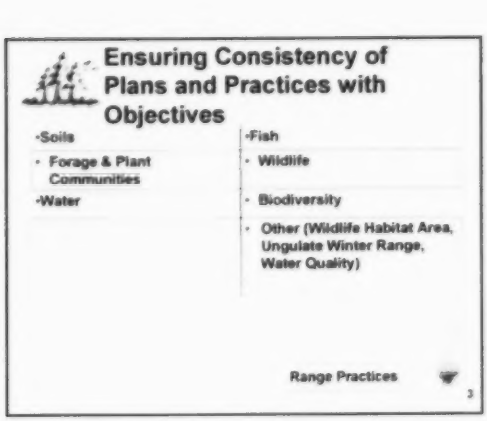

Transferring RUP or RSP
• If an agreement under the *Range Act* is transferred, then the RUP is also transferred.
• Must provide notification to Minister
• You may transfer an RSP to another person:
• Person taking over plan is keeping existing management personnel (2 years) or
• Person taking over plan is qualified to hold RSP
• Must provide notification to minister
Range Planning
28

End of Range Planning Presentation
Range Planning & Practices Workshop
29

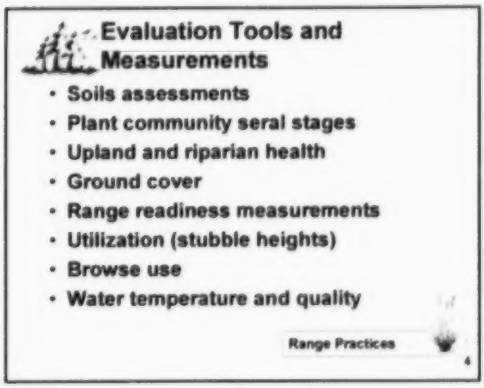
4. Objectives & Range Practices Under FRPA

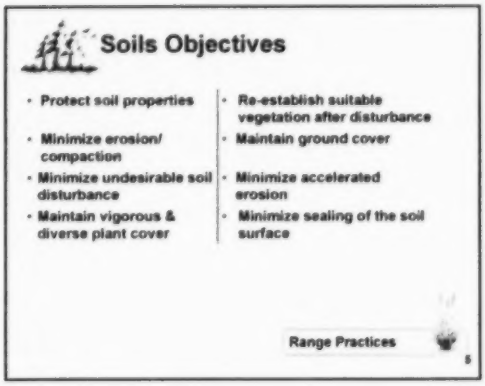


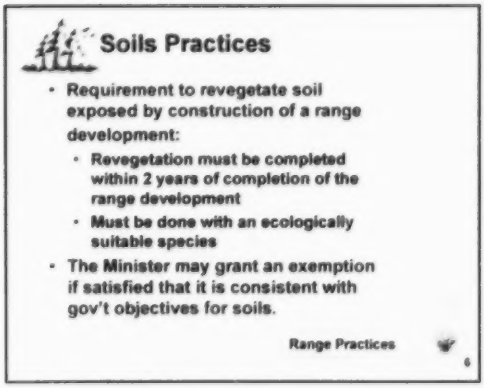




4. Objectives & Range Practices Under FRPA




Soils Objectives
• Protect soil properties
• Minimize erosion/ compaction
• Minimize undesirable soil disturbance
• Maintain vigorous & diverse plant cover
• Re-establish suitable vegetation after disturbance
• Maintain ground cover
• Minimize accelerated erosion
• Minimize sealing of the soil surface
Range Practices
5


Soils Practices
• Requirement to revegetate soil exposed by construction of a range development:
• Revegetation must be completed within 2 years of completion of the range development
• Must be done with an ecologically suitable species
• The Minister may grant an exemption if satisfied that it is consistent with gov't objectives for soils.
Range Practices
6

4. Objectives & Range Practices Under FRPA

Forage & Associated Plant Communities Objectives

- Maintain or enhance healthy plant communities, including vigor and cover
- Maintain or enhance forage quality and quantity for livestock and wildlife
- Recruit desirable plants, including through seeding
- Maintain variety of age classes and structure within communities
- Maintain or improve litter
- Enable range users to be efficient and competitive

Range Practices 7

Forage & Associated Plant Communities Practices

- Where required:
  - Range readiness criteria must be met before:
    - Livestock may graze
    - Hay cutting may occur
  - Removal from grazing by earliest:
    - Date published in your plan, or
    - When the average stubble height is met, or
    - The average browse use level is:
      - Percentage of the current annual growth (CAG)
      - 25% of CAG if plan does not specify an average browse level use

Range Practices 8

Forage and Associated Plant Communities (cont'd)

- Grazing must not result in a deterioration of plant communities

Range Practices 9

4. Objectives & Range Practices Under FRPA

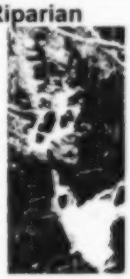
Water Objectives

- Maintain or improve water resources
- Maintain or promote healthy riparian & upland areas
- Maintain or promote riparian vegetation that provides sufficient shade to maintain stream temperature within the natural range of variability
- Maintain or promote desired riparian plant communities

Range Practices 10

Water Practices – Riparian Areas

- Must ensure the riparian area can:
  - Withstand normal peak flood events without experiencing accelerated soil loss, channel or bank movement
  - Filter runoff
  - Store and safely release water
  - Conserve wildlife habitat values in the area



Range Practices 11

Water Practices – Upland Areas

- Must ensure that there is not:
  - Acceleration in the rate of soil loss
  - Diminishing in the infiltration of water
  - Reduction in the moisture storage, or
  - Decreasing the stability of the area

Range Practices 12

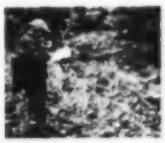
Water Practices – Protection of Water Quality

- A range practice must:
  - Not cause material harmful to human health to be deposited in, or transported to, water diverted for human consumption by a licensed water user
  - Not damage a licensed waterworks or surrounding vegetation, soil or terrain
  - Be consistent with water quality objectives if they exist
- Other practices:
  - Dead livestock in community watershed must be moved away from the stream (100m)
  - Grazing restrictions may be ordered if past incidents have compromised watershed area

Range Practices 13

Fish Objectives

- Conserve fish, fish habitat and aquatic ecosystems
- Manage adverse effect of deleterious materials



Range Practices 14

Fish Practices

- Must ensure the range practice:
  - Does not cause material that is deleterious to fish or fish habitat to be deposited in, or transported to, fish habitat, and
  - Is conducted at a time and in a manner that will not:
    - Harm fish
    - Impede fish passage, or
    - Destroy, damage or harmfully alter fish habitat

Range Practices 15

4. Objectives & Range Practices Under FRPA

Wildlife Objectives

- Maintain or promote sustainable, healthy, productive & diverse wildlife populations
- Minimize disturbance to wildlife & their habitats during critical periods of use
- Manage the risk of interaction between predators & livestock
- Ungulate winter range
- WHAs for identified wildlife

Range Practices 16

Wildlife Practices

- Range activity must be done in accordance with general wildlife measures for identified wildlife
- Resource Features and wildlife habitat features
  - Ensure a range practice does not damage or render the feature ineffective
- Utilization criteria

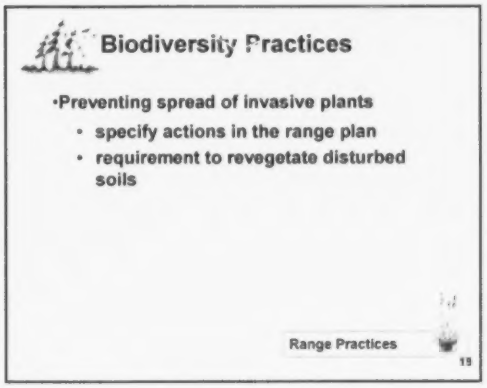
Range Practices 17

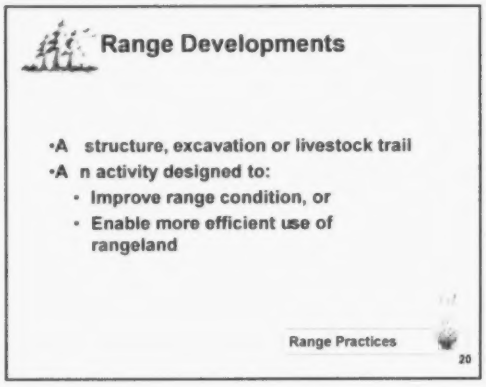
Biodiversity Objectives

- Conserve biodiversity
- Maintain native plant communities
- Encourage development of late seral plant communities or other desired plant communities
- Maintain plant communities consistent with natural successional stages where forage is seeded on transitory range

Range Practices 18

4. Objectives & Range Practices Under FRPA

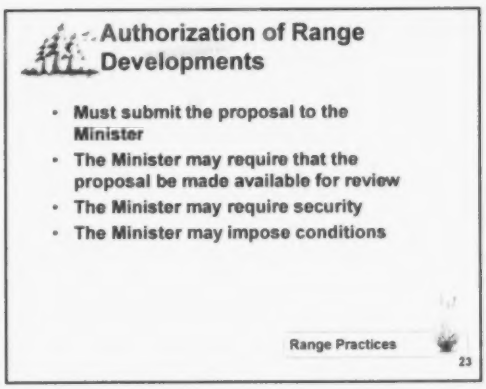


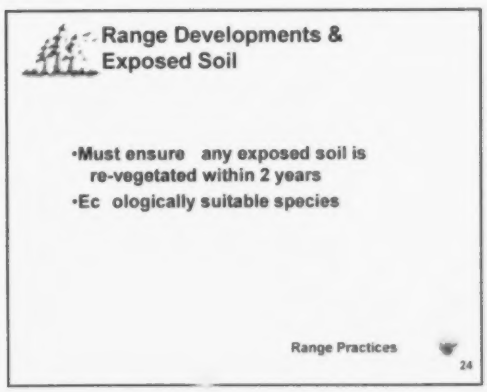

Range Developments
•A structure, excavation or livestock trail
•A n activity designed to:
• Improve range condition, or
• Enable more efficient use of rangeland
Range Practices
20

Range Development Maintenance
•You ar e responsible for maintenance unless:
• Minister waives requirement or order removal of development
• Minister can grant exemptions:
• Another person obtains authorization
• Another person is required
• Another person enters into agreement
• Not in public interest to maintain
Range Practices
21

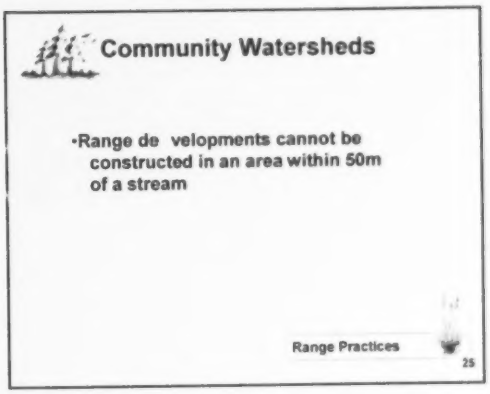
4. Objectives & Range Practices Under FRPA

Range Development Approval
•You must get app roval before you:
• Store hay,
• Carry out, construct, modify, or remove, damage or destroy a range development on Crown range
Range Practices
22

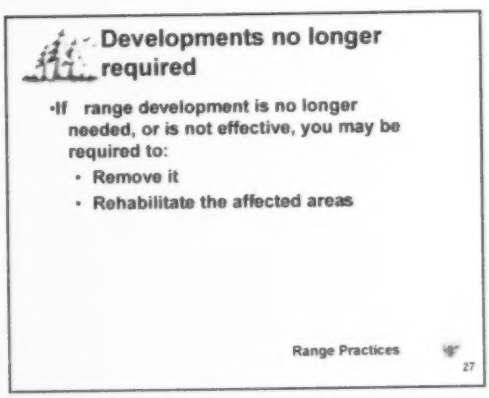

Authorization of Range Developments
• Must submit the proposal to the Minister
• The Minister may require that the proposal be made available for review
• The Minister may require security
• The Minister may impose conditions
Range Practices
23


Range Developments & Exposed Soil
•Must ensure any exposed soil is re-vegetated within 2 years
•Ec ologically suitable species
Range Practices
24

4. Objectives & Range Practices Under FRPA

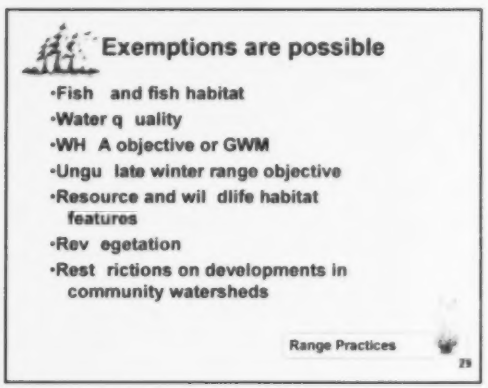


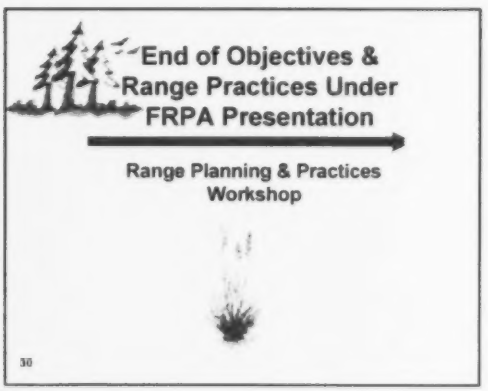
Working without Approval
•If w orking without approval Minister may issue order to:
• Remove or destroy the stored hay or the range development
• Restore the land under the stored hay or range development, or both, or
• Repair or rehabilitate the range development
Range Practices
26

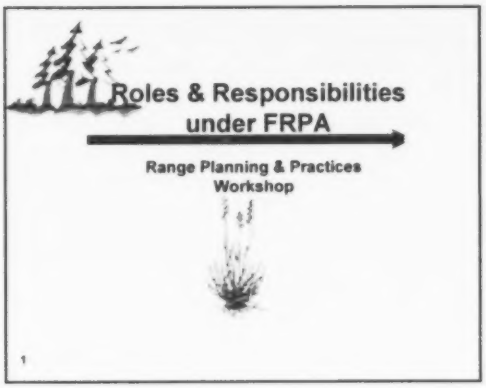

Developments no longer required
•If range development is no longer needed, or is not effective, you may be required to:
• Remove it
• Rehabilitate the affected areas
Range Practices
27

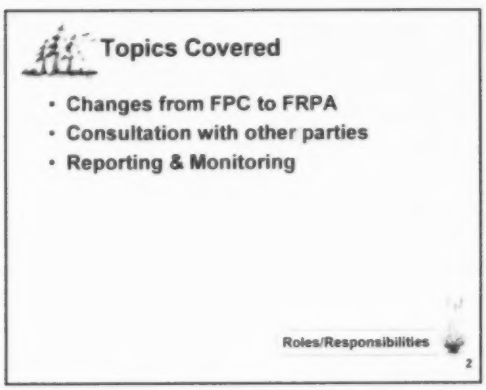
4. Objectives & Range Practices Under FRPA

Co-operation between range and forest licensees
•Natural range barriers must not be removed without mitigation
•Disturb ed soils must be revegetated
•Limit i ntroduction and spread of invasive plants
•Li vestock must not interfere with the establishment of a free growing stand
Range Practices
28






Roles & Responsibilities
under FRPA
Range Planning & Practices
Workshop
1


Topics Covered
• Changes from FPC to FRPA
• Consultation with other parties
• Reporting & Monitoring
Roles/Responsibilities
2

Shift in Roles
• FRPA brings a shift in roles & responsibilities in management of Crown range:
• Range Agreement Holder:
• Responsible for initiating & driving process & activities
• MOF Personnel:
• Supporting role, not a leading role
Roles/Responsibilities
3

Range Agreement Holder & Changes from FPC

	FPC	FRPA
Practices	Prescribed	Results specified
Objectives	Strategies & Actions in Regulation	Specify details of actions to be carried out; Propose alternatives
Gathering Information	Use information provided	Gather information – including Range Assessments
Review & Comment	Advertise	Advertise, Review Comments, Incorporate if required
Amending Plans	MOF directs you to amend	Must amend when required. You recognize when.

Roles/Responsibilities

4

First Nations

- Ensure aboriginal rights and issues are addressed
- Work with MOF
- The Minister may issue an order to vary or suspend:
  - Plan
  - Practice
  - Road or Cutting Permit

Roles/Responsibilities

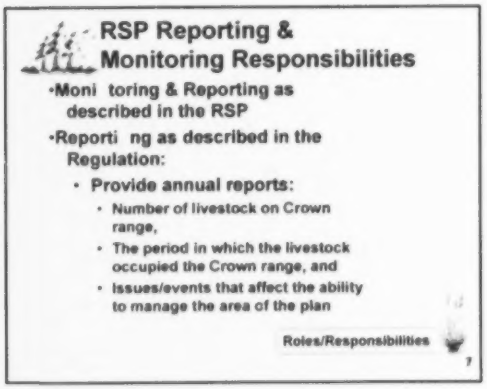
5

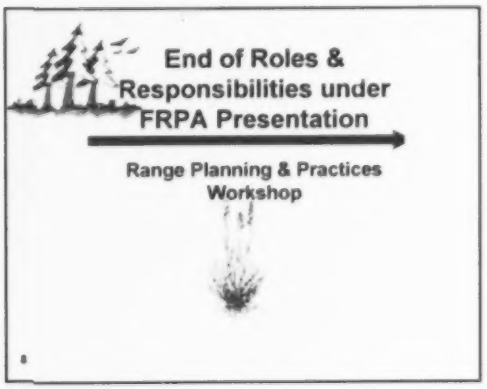
Working with other tenure holders

- Agreement Holders will need to work with forest companies and other users:
  - Communicate activities
  - Ensure interests & values are considered in planning & practices
- MOF & WLAP will play reduced role in communication between tenure holders

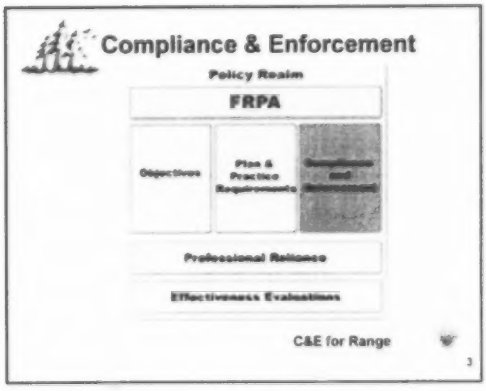
Roles/Responsibilities

6


RSP Reporting &
Monitoring Responsibilities
•Moni toring & Reporting as described in the RSP
•Reporti ng as described in the Regulation:
• Provide annual reports:
• Number of livestock on Crown range,
• The period in which the livestock occupied the Crown range, and
• Issues/events that affect the ability to manage the area of the plan
Roles/Responsibilities
7


End of Roles &
Responsibilities under
FRPA Presentation
Range Planning & Practices
Workshop
8

6. Compliance & Enforcement for Range



6. Compliance & Enforcement for Range

Compliance & Enforcement will inspect and enforce...

- Results, strategies and actions in approved:
  - Range Use Plan
  - Range Stewardship Plan
- Plan and practice requirements in regulation
- Grazing schedule for RUP

C&E for Range

4

Defences under FRPA

- Due D iligence
  - T aking all reasonable steps to avoid contravention
- Mistak e of Fact
  - A cting on an honest belief in a set of facts that, if true, would constitute a defence to the charge
- Of ficially Induced Error
  - A cting on wrong information from government official
- Defe nces apply to administrative contraventions & offences

C&E for Range

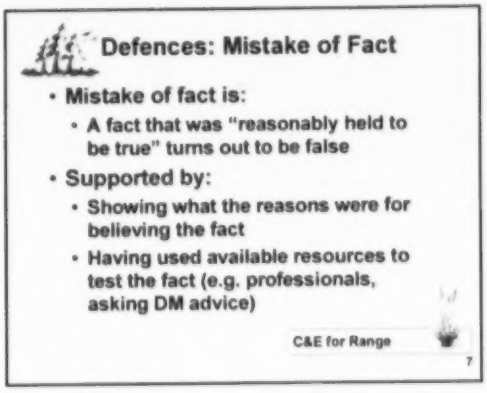
5

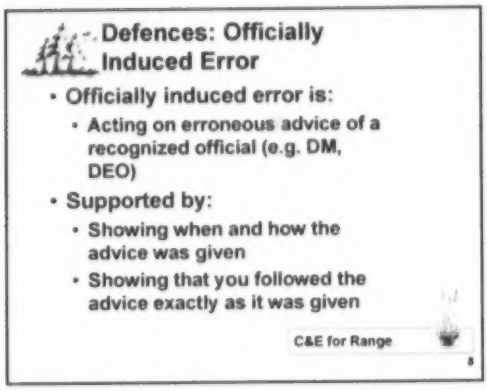
Defences: Due Diligence

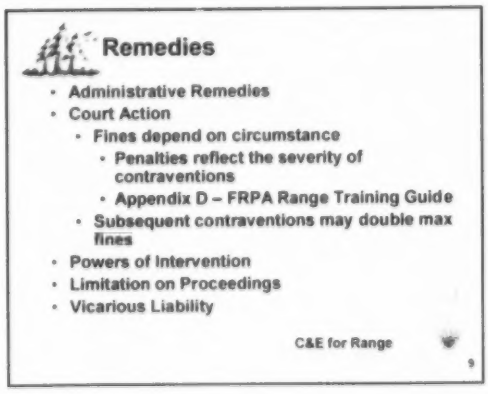
- Due diligence is:
  - Taking all reasonable steps to avoid a contravention
- Supported by:
  - Processes to prevent damage
  - Proper planning
  - Use of qualified professionals (where appropriate)
  - Using all information available
  - Keeping internal records

C&E for Range

6


Defences: Mistake of Fact
• Mistake of fact is:
• A fact that was "reasonably held to be true" turns out to be false
• Supported by:
• Showing what the reasons were for believing the fact
• Having used available resources to test the fact (e.g. professionals, asking DM advice)
C&E for Range
7


Defences: Officially Induced Error
• Officially induced error is:
• Acting on erroneous advice of a recognized official (e.g. DM, DEO)
• Supported by:
• Showing when and how the advice was given
• Showing that you followed the advice exactly as it was given
C&E for Range
8


Remedies
• Administrative Remedies
• Court Action
• Fines depend on circumstance
• Penalties reflect the severity of contraventions
• Appendix D – FRPA Range Training Guide
• Subsequent contraventions may double max fines
• Powers of Intervention
• Limitation on Proceedings
• Vicarious Liability
C&E for Range
9

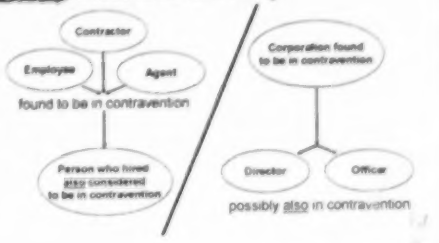
Remedies: Powers of Interventions

- Extraordinary power to intervene before event occurs
- Use in certain situations:
  - Impact on public health or safety
  - Failure to attain free growing stand
  - Adverse impact on environment

C&E for Range

10

Remedies: Vicarious Liability



C&E for Range

11

Changes to Liability

- Added provisions:
  - Limitation of liability to government
  - Relieving a person from expense

C&E for Range

12

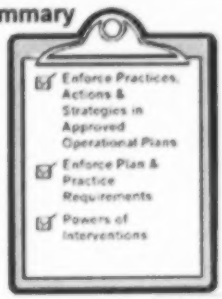
Working with C&E

- C&E may be conducted jointly or independently by personnel from Ministry of Forests, Ministry of Water Land and Air Protection on:
  - Practices
  - Actions
  - Strategies
- Monitoring & reporting systems

C&E for Range

13

Summary


Enforce Practices, Actions & Strategies in Approved Operational Plans
Enforce Plan & Practice Requirements
Powers of Interventions

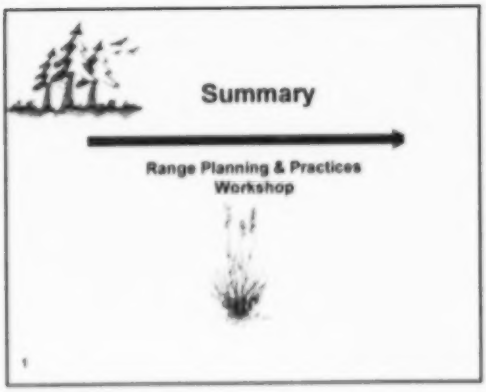
C&E for Range

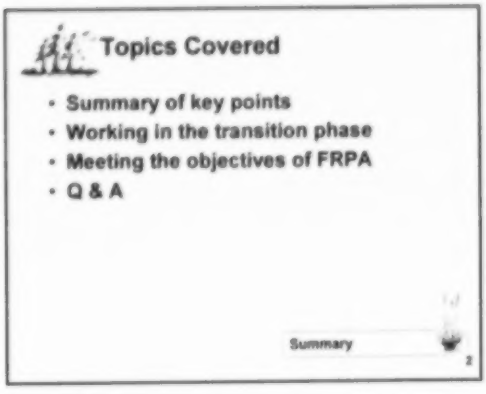
14

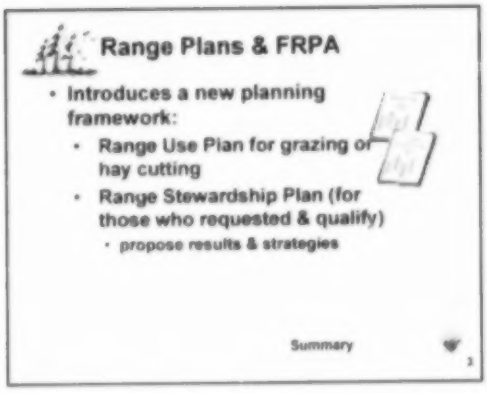
End Compliance & Enforcement for Range Presentation

Range Planning & Practices Workshop

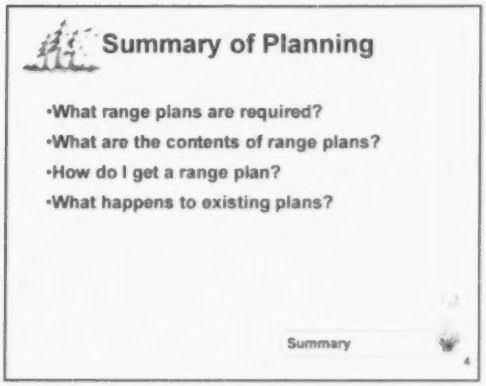
15

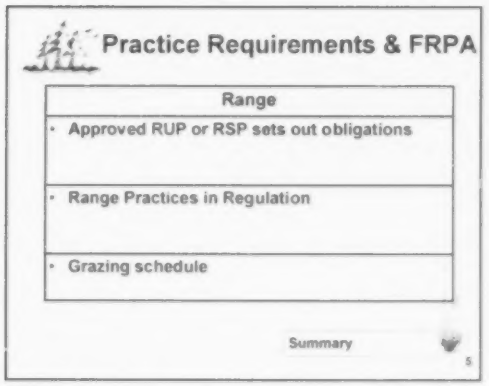

Summary
Range Planning & Practices Workshop
1

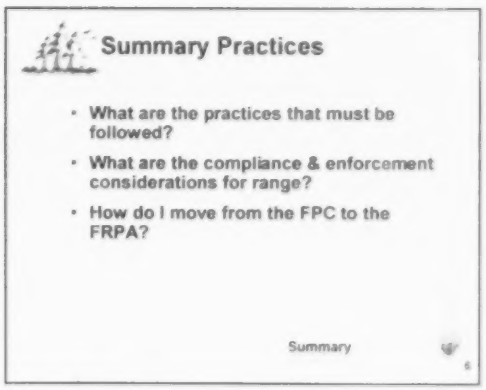

Topics Covered
• Summary of key points
• Working in the transition phase
• Meeting the objectives of FRPA
• Q & A
Summary
2


Range Plans & FRPA
• Introduces a new planning framework:
• Range Use Plan for grazing or hay cutting
• Range Stewardship Plan (for those who requested & qualify)
• propose results & strategies
Summary
3

7. Summary


Summary of Planning
•What range plans are required?
•What are the contents of range plans?
•How do I get a range plan?
•What happens to existing plans?
Summary
4


Practice Requirements & FRPA
Range
• Approved RUP or RSP sets out obligations
• Range Practices in Regulation
• Grazing schedule
Summary
5


Summary Practices
• What are the practices that must be followed?
• What are the compliance & enforcement considerations for range?
• How do I move from the FPC to the FRPA?
Summary
6

7. Summary

Ensuring Consistency with Objectives

•Soils	•Fish
• Forage & Plant Communities	• Wildlife
•Water	• Biodiversity
	•Other (Wildlife Habitat Area, Ungulate Winter Range, Water Quality)

Summary 7

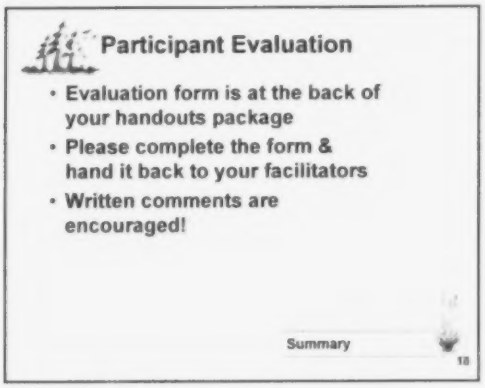
Range Transition – FPC to FRPA

- All current Range Use Plans continue until
  - December 31, 2005
- Must be replaced with new RUP or RSP

Summary 8

Questions

Summary 9


Participant Evaluation
• Evaluation form is at the back of your handouts package
• Please complete the form & hand it back to your facilitators
• Written comments are encouraged!
Summary
10

Thank you for attending!
Range Planning & Practices Workshop
11